

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
OCTOBER 14, 2004**

BUREAU OF LAND AND WASTE MANAGEMENT

Hazardous Waste Enforcement

- 1) Order Type and Number: Consent Order 04-08-HW
 Order Date: June 15, 2004
 Respondent: **Griffin Watford Tepper Dental
Clinic**
 Facility: Griffin Watford Tepper Dental
 Clinic
 Location/Mailing Address: 253 South McQueen Street
 Florence, SC 29501
 County: Florence
 Previous Orders: None
 Permit Number: SC21-0005G
 Violations Cited: The South Carolina Infectious Waste
 Management Act §44-93-10(2002) and the South Carolina Infectious
 Waste Management Regulation 61-105 Section F(6)(e)(AA).

Summary: Griffin Watford Tepper Dental Clinic (Respondent) is a small quantity generator of infectious waste. The Respondent has violated the Infectious Waste Management Regulations as follows: failure to maintain records and manifest copies for a minimum of three (3) years in a location within South Carolina easily accessible to the Department during regular business hours and provide these records to the Department upon request.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Infectious Waste Management Act; ensure that records and copies of infectious waste manifests are maintained for a minimum of three (3) years in a location within South Carolina easily accessible to the Department during regular business hours and provide these records to the Department upon request; and, pay a civil penalty in the amount of one thousand, five hundred dollars (**\$1,500.00**). The penalty has been paid.

- 2) Order Type and Number: Consent Order 04-09-HW
 Order Date: June 17, 2004
 Respondent: **Obstetrics and Gynecology of
Columbia**
 Facility: Obstetrics and Gynecology of
 Columbia
 Location/Mailing Address: 1701 Julian Place, Suite 201
 Columbia, S.C. 29204-24184

County: Richland
Previous Orders: 02-19-IW
Permit/ID Number: SC40-0361G
Violations Cited: The South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-140 (2002), the Environmental Protection Fund Act, S.C. Code Ann. §48-2-50 et seq. (1993), the South Carolina Infectious Waste Management Regulations 61-105 F (4), and the Environmental Protection Fees Regulations 61-30 G (12).

Summary: Obstetrics and Gynecology of Columbia, located in Columbia, South Carolina, is a medical clinic that generates infectious waste. The Respondent has violated the South Carolina Infectious Waste Regulations as follows: failure to pay their 2004 Annual Infectious Waste Generator Fees in the amount of one hundred fifty dollars (\$150.00).

Action: The Respondent has agreed to: now and in the future, ensure compliance with the Infectious Waste Generator requirements as outlined in R.61-105; pay the 2004 Annual Infectious Waste Fees and outstanding penalties totaling two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of two thousand, six hundred twenty-five dollars **(\$2,625.00)**. The penalty has been paid.

- 3) Order Type and Number: Consent Order 04-10-HW
Order Date: June 30, 2004
Respondent: **Seeber USA**
Facility: Seeber USA
Location/Mailing Address: 245 Parkway East
Duncan, S.C. 29334
County: Spartanburg
Previous Orders: None
Permit/ID Number: SCR 000 762 872
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulations 61-79.262.13(d), R.61-79.262.34(a)(2), R.61-79.262.34(c)(1)(ii), R.61-79.262.40(a)(b), R.61-79.262.41, R.61-79.265.15(d), R.61-79.265.51-56, R.61-79.265.173(a)(c)(d), R.61-79.265.174, R.61-79.268.7(a)(2)

Summary: Seeber USA (Respondent), located in Duncan, South Carolina, manufactures automotive thermoplastic parts and assemblies. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to file a revised or new Notification Form (DHEC 2701) when the information previously submitted became outdated or inaccurate; failure to label containers holding hazardous waste with an accumulation start date; failure to mark containers of hazardous waste either with the words “Hazardous Waste” or with other words that identify the contents of the container; failure to keep a copy of

each manifest signed in accordance with section 262.23(a) onsite for at least three (3) years; failure to keep a copy of each Quarterly Report and Exception Report onsite for at least three (3) years; failure to submit written quarterly reports; failure to record hazardous waste inspections in an inspection log or summary; failure to comply with the contingency plan and emergency procedure requirements in R.61-79.265 Subpart D; failure to close all containers holding hazardous waste except when necessary to add or remove waste; failure to label containers of hazardous waste with the words, "Hazardous Waste – federal laws prohibit improper disposal;" failure to label containers of hazardous waste with the appropriate EPA Hazardous Waste Number(s); failure to inspect hazardous waste containers weekly; and, failure to include with the initial shipment of waste a onetime written Land Disposal Restriction notice.

Action: The Respondent has agreed to: ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that a revised or new Notification Form is submitted whenever information previously provided becomes outdated or inaccurate; ensure that the facility operates with a contingency plan that meets the requirements of R.61-79.265 Subpart D – Contingency Plan and Emergency Procedures; submit Quarterly Reports to the Department no later than thirty (30) days after the end of each calendar quarter; ensure that a copy of each signed manifest and a copy of each Quarterly Report and Exception Report is kept onsite; ensure compliance with applicable Land Disposal Restrictions regulations in R.61-79.268; and, pay a civil penalty in the amount of thirteen thousand dollars (**13,000.00**). The penalty will be paid in five (5) monthly payments of two thousand, one hundred sixty-six dollars and sixty-six cents (\$2,166.66) and one (1) payment of two thousand, one hundred sixty-six dollars and seventy cents (\$2,166.70).

- 4) Order Type and Number: Consent Order 04-11-HW
 Order Date: July 12, 2004
 Respondent: **Green B. Neal MD PA**
 Facility: Green B. Neal MD PA
 Location/Mailing Address: 1415 Barnwell Street
 Columbia, S.C. 29201-3511

 County: Richland
 Previous Orders: None
 Permit/ID Number: SC40-0447G
 Violations Cited: The South Carolina Infectious Waste
 Management Act, S.C. Code Ann. §44-93-140 (2002), the Environmental
 Protection Fund Act, S.C. Code Ann. §48-2-50 et seq. (1993), the South
 Carolina Infectious Waste Management Regulations 61-105 F (4), and the
 Environmental Protection Fees Regulations 61-30 G (12).

Summary: Green B. Neal MD PA, located in Columbia, South Carolina, is a medical clinic that generates infectious waste. The Respondent has violated

the South Carolina Infectious Waste Regulations as follows: failure to pay their 2004 Annual Infectious Waste Generator Fees in the amount of one hundred fifty dollars (\$150.00).

Action: The Respondent has agreed to: now and in the future, ensure compliance with the Infectious Waste Generator requirements as outlined in R.61-105; pay the 2004 Annual Infectious Waste Fees and outstanding penalties totaling two hundred six dollars and twenty-five cents (\$206.25); and, pay a civil penalty in the amount of two hundred eighteen dollars and seventy-five cents (\$218.75).

5) Order Type and Number: Consent Order 04-12-HW
 Order Date: July 23, 2004
 Respondent: **Metal Trades, Incorporated**
 Facility: Metal Trades, Incorporated
 Location/Mailing Address: 4194 Highway 165
 Yonges Island, SC 29449

 County: Charleston
 Previous Orders: 99-20-HW (\$10,000)
 Permit Number: SCD 003 361 805
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2002), the South Carolina Hazardous
 Waste Management Regulations 61-79.262.34(a)(4)/265.16(c), R.61-
 79.262.34(a)(4)/265.54(d), R.61-79.262.11, the Pollution Control Act §48-
 1-90(1987), and the South Carolina Solid Waste Management:
 Construction, Demolition and Land-Clearing Debris Landfills, 25A S.C.
 Code Ann. Reg.61-107.11 (Supp. 2002), Part IV, A.8.

Summary: Metal Trades, Incorporated (Respondent) sandblasts and paints marine vessels. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to ensure that facility personnel took part in an annual review of the initial training; failure to amend the list of names, addresses, and phone numbers of all persons qualified to act as emergency coordinator for its contingency plan; and, failure to make an accurate hazardous waste determination. The Respondent has violated the Pollution Control Act by failing to prevent the discharge of organic or inorganic matter into the environment of the State and not in compliance with a permit issued by the Department. Lastly, the Respondent engaged in open dumping of construction, demolition and land-clearing debris.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act, the South Carolina Solid Waste Policy and Management Act of 1991, and the Pollution Control Act; ensure that facility personnel take part in an annual review of the initial training; maintain and make readily available current information concerning the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator for its

contingency plan; accurately determine if all solid wastes generated onsite, to include each new sandblast residue, are a hazardous waste; ensure that sandblast residue determined to be a hazardous waste is stockpiled in accordance in accordance with R.61-79.265, Subpart L; prevent the discharge of organic or inorganic matter into the environment of the State unless a permit has been issued by the Department; and, pay a civil penalty in the amount of twenty-one thousand, dollars (**\$21,000.00**). The penalty has been paid.

- 6) Order Type and Number: Consent Order 04-13-HW
 Order Date: July 23, 2004
 Respondent: **Piedmont Bushings and Insulators, LLC**

 Facility: Piedmont Bushings and Insulators, LLC

 Location/Mailing Address: 251 Harris Bridge Road
 P.O. Box 279
 Woodruff, SC 29388

 County: Spartanburg
 Previous Orders: None
 Permit Number: SCD 054 586 847
 Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2002), the South Carolina Hazardous Waste Management Regulations 61-79.262.34(c)(1)(ii), R.61-79.262.34(c)(1)(ii)/265.173(a), R.61-79.262.34(a)(1)(i)/265.175(a), R.61-79.262.34(a)(4)/265.35, R.61-79.262.34(a)(1)(i)/265.174, R.61-79.262.34(a), R.61-79.265.16(a)(1), R.61-79.262.41(a), R.61-79.262.43(d), and the South Carolina Solid Waste Management: Used Oil Regulations, 25A S.C. Code Regulation 61-107.279.22(c)(1).

Summary: Piedmont Bushings and Insulators, LLC (Respondent) manufactures bushings for high voltage transformers and substations. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to mark its containers with either the words "Hazardous Waste" or with other words identifying the contents of the container; failure to have its containers holding hazardous waste closed during storage except when it is necessary to add or remove waste; failure to ensure that the container storage areas have containment; failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility; failure to inspect areas where containers are stored at least weekly, looking for leaks caused by corrosion or other factors; failure to store hazardous waste for 90-days or less; failure to ensure that all facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance; failure to submit to the Department, within thirty (30) days after the end of the quarter, quarterly reports for the fourth quarter of 2002 and the first and second quarter of 2003; and, failure to ensure

that containers and aboveground tanks used to store used oil were labeled or marked clearly with the words “Used Oil.”

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act, the South Carolina Solid Waste Policy and Management Act of 1991, and the South Carolina Pollution Control Act; ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that aisle space is maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility; ensure that hazardous waste onsite does not exceed the 90-day storage limit; ensure that all facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance, in accordance with R.61-79.265.16; submit to the Department quarterly reports within thirty (30) days after the end of each quarter; maintain accurate Quarterly Reports, including in the report a description of the changes in volume and toxicity of wastes actually achieved during the year in comparison to previous years; ensure that containers and aboveground tanks used to store used oil are labeled or marked clearly with the words “Used Oil”. The Department assessed a civil penalty in the amount of sixty thousand two hundred fifty dollars **(\$60,250.00)**. A request was made for relief from the assessed penalty, which was substantiated by a review of financial records. The Department agreed that the balance between the amount assessed and the amount paid shall be suspended following completion of all other Order requirements at which time the penalty balance shall be waived. A civil penalty in the amount of six thousand dollars **(\$6,000.00)** is to be paid to the Department in three (3) monthly installments. The penalty is due to be paid-in-full within three (3) months of the execution date of the Consent Order.

- 7) Order Type and Number: Consent Order 04-14-HW
 Order Date: August 12, 2004
 Respondent: **Industrial Rigging, LLC**
 Facility: Industrial Rigging, LLC
 Location/Mailing Address: 217 Star Road
 Edgefield, SC, 29824-1541
 P.O. Box 468
 Lafette, GA 30728

 County: Edgefield
 Previous Orders: None
 Permit/ID Number: SCD 987 591 849
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130 (2002) and the South Carolina
 Hazardous Waste Management Regulations 61-79.262.11 and R.61-
 79.262.13.

Summary: Industrial Rigging, LLC (Respondent), whose principal place of business is in Chattanooga, Tennessee, owns the Star Fibers facility located in Edgefield, South Carolina. Synthetic fibers were previously manufactured at the Star Fibers facility. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to accurately determine whether a solid waste was a hazardous waste; and, failure to file a revised or new Notification Form whenever the information previously provided became outdated or inaccurate.

Action: The Respondent has agreed to: ensure that a hazardous waste determination is made on all solid wastes; ensure that a revised or new Notification Form is submitted whenever information previously provided becomes outdated or inaccurate. The Department assessed a civil penalty in the amount of eleven thousand seven hundred fifty dollars (\$11,750.00). A request was made for relief from the assessed penalty, which was substantiated by financial records. The Department agreed that the balance between the amount assessed and the amount paid shall be suspended following completion of all other Order requirements at which time the penalty balance shall be waived. A civil penalty in the amount of five hundred dollars (**\$500.00**) has been paid.

8) Order Type and Number: Consent Order 04-15-HW
 Order Date: August 24, 2004
 Respondent: **Diversified Coating Systems**
 Facility: Diversified Coating Systems
 Location/Mailing Address: 307 Echelon Road
 Greenville, SC 29609

 County: Greenville
 Previous Orders: None
 Permit Number: SCD 987 596 285
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2002) and the South Carolina
 Hazardous Waste Management Regulations 61-
 79.262.34(a)(1)(i)/265.173(c), R.61-79.262.34(a)(1)(i)/265.173(d), R.61-
 79.262.34(a)(2), R.61-79.262.34(a)(3), R.61-
 79.262.34(c)(1)(i)/265.173(a), R.61-79.262.34(a)(1)(i)/265.173(a), and
 R.61-79.262.34(a)(4)/265.52(e).

Summary: Diversified Coating Systems (Respondent) paints car parts for automobile manufacturers. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to ensure that each container holding hazardous waste is permanently and legibly marked with the following or equivalent statement: "Hazardous Waste – federal laws prohibit improper disposal;" failure to ensure that each container holding hazardous waste is appropriately labeled with an EPA Hazardous Waste Number; failure to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failure to ensure that while being

accumulated onsite each container...is labeled or marked clearly with the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal;" failure to have its containers holding hazardous waste closed during storage except when it is necessary to add or remove waste; and failure to ensure that the contingency plan includes the location and physical description of all emergency equipment...and a brief outline of its capabilities.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act; ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; submit to the Department within fifteen (15) days of the execution date of the Order an updated copy of the contingency plan, to include a list of all emergency equipment, its location and physical description; and, pay a civil penalty in the amount of ten thousand dollars (\$10,000.00). The penalty has been paid.

Solid Waste Enforcement

9) Order Type and Number: Consent Order 04-09-SW
Order Date: June 30, 2004
Respondent: **Richland County**
Facility: Richland County Sanitary Landfill
Location/Mailing Address: 400 Powell Road
Columbia, SC 29203
County: Richland
Previous Orders: None
Permit/ID Number: 401001-1101
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002) (Act), 25A S.C. Code Ann. Reg. (Regulation) (Supp. 2003) 61-107.258.60.g., and Reg. 61-107.258.60.n.; and, Remedial Corrective Action Plan dated October 1, 2002.

Summary: Richland County (County) owns and is responsible for the proper maintenance of the Richland County Sanitary Landfill (Sanitary Landfill) located in Richland County, South Carolina. The County failed to close the Sanitary Landfill in accordance with the approved closure plan. The County submitted a Remedial Corrective Action Plan (Plan) in 2002, but failed to complete the Plan in a timely manner. To date, closure of the Sanitary Landfill is not complete. Failure to close properly and in a timely manner constitutes violations of the Regulation and of the Plan.

Action: The County has agreed to: submit a corrective action plan on or before October 12, 2004, to address the violations, and pay a civil penalty in the amount of fourteen thousand, seven hundred dollars (\$14,700.00). The penalty has been paid.

- 10) Order Type and Number: Consent Order 04-10-SW
Order Date: June 30, 2004
Respondent: **Richland County**
Facility: Richland County C&D Landfill
Location/Mailing Address: 400 Powell Road
Columbia, SC 29203
County: Richland
Previous Orders: None
Permit/ID Number: 401001-1201
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002) (Act), 25A S.C. Code Ann. Reg. (Regulation) (Supp. 2003) 61-107.11, Part IV: E.1., E.4., E.5., E.6., E.10., and G.1.; Permit # 401001-1201 (Permit), Special Conditions A.1., A.3., and A.4.; and, Engineering Report and Permit Application, dated November 8, 1993, Section 2.0, Operations Plan, Sections 2.2.2, 2.2.3, and 2.2.4.

Summary: Richland County (County) owns and is responsible for the proper operation and maintenance of the Richland County C&D Landfill (C&D Landfill) located in Richland County, South Carolina. The C&D Landfill had numerous operational and permit deficiencies from August 2002 to December 2003, including, but not limited to, excessive size of the working face, exposed waste, blowing litter, inadequate long-term cover, erosion, unacceptable condition of the sedimentation ponds, and lack of operational equipment specified in the C&D Landfill's Equipment Contingency Plan. These deficiencies constitute violations of the Regulation, the Permit, and the Operations Plan.

Action: The County has agreed to: conduct and submit a study on or before October 12, 2004, of the storm water control measures needed to bring the C&D Landfill into compliance; submit a corrective action plan on or before October 12, 2004, to address the violations; and, pay a civil penalty in the amount of eleven thousand, six hundred forty dollars (**\$11,640.00**). The penalty has been paid.

- 11) Order Type and Number: Administrative Order 04-08-SW
Order Date: June 11, 2004
Respondent: **Lexington Tire Service, Inc.**
Facility: Lexington Tire Service, Inc.
Location/Mailing Address: 1318 West Main Street,
Lexington, SC 29072
County: Lexington
Previous Orders: N/A
Permit/ID Number: N/A

Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002), Waste Tires Regulation, 25A S.C. Code Ann. Reg. 61-107.3, Sections D.1., G.1., & G.4.d. (Supp. 2003).

Summary: Lexington Tire Service, Inc. (Respondent) owns and operates its retail tire sales and service store located at 1318 West Main Street in Lexington, South Carolina (Site). The Respondent has violated the South Carolina Solid Waste Policy and Management Act of 1991 and the Waste Tires Regulation by storing more than the 999 whole waste tires at the Site, operating a waste tire collection site without being permitted, and failing to control mosquitoes so as to protect public health and welfare and to prevent public health nuisances on or sourced from the Site.

Action: The Respondent is required to: within 120 days of the effective date of the Order, remove and properly dispose of all waste tires collected on the Site; forward disposal invoices/receipts to the Department; store all of the allowable 999 or fewer whole waste tires either under a protected shed or by some other means that prevents the growth of mosquitoes; and, within thirty (30) days of the effective date of the Order, pay to the Department a civil penalty in the amount of six thousand dollars (**\$6,000.00**).

12) Order Type and Number: Consent Order 04-12-SW
Order Date: July 23, 2004
Respondent: **AutoZone, Inc.**
Facility: AutoZone, Inc. Store # 0278
Location/Mailing Address: 3601 N. Main St., Columbia, SC 29203/3108 Two Notch Rd., Columbia, SC 29204
County: Richland
Previous Orders: N/A
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002), Used Oil Regulation, 25A S.C. Code Ann. Regulations 61-107.279.12.g. and R.61-107.279.12.h. (Supp. 2003).

Summary: AutoZone, Inc. (Respondent) owns and operates AutoZone, Inc. Store # 0278, located at 3601 North Main Street in Columbia, South Carolina (Site). The Respondent has violated the South Carolina Solid Waste Policy and Management Act of 1991 and the Used Oil Regulation by allowing the discharge of used oil to the environment (soil).

Action: The Respondent is required to implement to completion the Remediation, Sampling, and Analysis Plan approved by the Department on April 26, 2004 and pay to the Department a civil penalty in the amount of four

thousand, two hundred dollars (**\$4,200.00**). Payment of the civil penalty was received on August 13, 2004.

- 13) Order Type and Number: Consent Order 04-11-SW
 Order Date: July 23, 2004
 Respondent: **H. R. Garrett, Inc.**
 Facility: Lisbon Road Land-Clearing
 Debris Landfill
 Location/Mailing Address: Lisbon Road, 1.2 miles SE of Inters.
 of SC Hwy. 72 & Lisbon Road
 P.O. Box 606, Gray Court, SC 29645
 County: Laurens
 Previous Orders: N/A
 Permit/ID Number: 302458-1702
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (2002), Construction, Demolition and Land-
 Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Regulation 61-
 107.11, Part II, A.8. (Supp. 2003), and The General Permit, issued
 September 22, 1995, and effective October 12, 1995, Section IV, Closure,
 A., B., C., & D.

Summary: H. R. Garrett, Inc. (Respondent) owns and operates the Lisbon Road Land-Clearing Debris Landfill located on Lisbon Road near Gray Court, South Carolina (Site). The Respondent has violated the South Carolina Solid Waste Policy and Management Act of 1991, the Construction, Demolition and Land-Clearing Debris Landfills Regulation, and the General Permit by failing to properly close out its Landfill.

Action: The Respondent is required to: post closure signs at the site; address any remaining area(s) of the two (2) foot deep final soil cover on the landfill with at least a one (1) percent but no greater than four (4) percent slope on the surface of the landfill to allow for positive drainage; seed any remaining areas that have not been established with native grasses and/or suitable year-round ground cover; notify the Department in writing that the landfill has been properly closed, and request a final inspection from the SCDHEC Upper Savannah District Office for approval of the closure; submit a plat to both the Department and to the local zoning authority showing the final boundaries of the waste disposal area, to include longitude and latitude, and the type, location and quantity of waste disposed; record a note on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that the land, or a portion thereof, has been used for the disposal of land-clearing debris and yard trash; submit to the Department a copy of the document in which the notation required by the above item has been placed; and, pay to the Department a civil penalty in the amount of two thousand six hundred dollars (**\$2,600.00**) for the violations cited in the Order. The Department determined that the Landfill would be unable to pay a civil

penalty. Therefore, the Department **suspended** the entire penalty due to the financial circumstances of the Landfill; however, if all other provisions of the Order are not complied with as required, the penalty shall become due and payable to the Department upon written notification.

- 14) Order Type and Number: Amendment to Consent Order 04-01-SW
Order Date: July 30, 2004
Respondent: **Southeastern Soil Recovery, Inc.**
Facility: Southeastern Soil Recovery, Inc.
Location/Mailing Address: 1929 Patterson Plant Road/
4991 Banco Road
Charleston, S.C. 29418
County: Laurens
Previous Orders: 04-01-SW (\$14,000)
Permit/ID Number: 302715-8001
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991 (2002) and the Solid Waste Management:
Off-site Treatment of Contaminated Soil Regulation, 25A S.C. Code Ann.
Reg. 61-107.18.H.1. (Supp. 2003).

Summary: As detailed in the original Order, Southeastern Soil Recovery, Inc. (the Respondent) failed to construct and operate its off-site contaminated soil treatment facility in accordance with its permit and regulatory requirements. The Respondent also failed to properly store soils in various stages of treatment and provide written verification of data to both the Department and the end-user of said treated soils. The Respondent was required by the terms of Consent Order 04-01-SW to submit, and have approved by the Department, a request for permit modification to address the facility as built. The Respondent was also required to pay a civil penalty in the amount of fourteen thousand dollars **(\$14,000.00)** and has paid the civil penalty in full. This amendment addresses the Respondent's decision to cease operations and close their facility in Laurens County. The amendment changes Requirement 1. on Page 7 of 8 of the Order to address closure of the Respondent's facility in accordance with the Off-site Treatment of Contaminated Soils regulation and Permit #302715-8001.

Action: The Respondent has agreed to close in accordance with Closure and Post-Closure Procedures of the Off-site Treatment of Contaminated Soils Regulation (61-107.18) and §§11.0, 11.2, and 11.3 of the Engineering Report of Permit #302715-8001, to include random sampling and remediation of a potentially contaminated sediment basin.

Underground Storage Tank Enforcement

- 15) Order Type and Number: Consent Order 04-0404-UST
Order Date: June 30, 2004
Respondent: **J. M. Brown Amusement Co., Inc.**
Facility: Mr. Waffle Truck Stop 83
Location/Mailing Address: I-85 & SC 110
Cowpens, S.C. 29330
County: Spartanburg
Previous Orders: None
Permit/ID Number: 11080
Violations Cited: UST Control Regulations, R.61-92,
§280.10(e); R.61-92, §280.22(a); R.61-92, §280.34(c).

Summary: J. M. Brown Company, Incorporated owns underground storage tanks located at I-85 and SC 110, Cowpens, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: introduction of petroleum or petroleum products into an underground storage tank system for which the owner does not hold a currently valid registration; failure to submit notification for an underground storage tank system; and failure to submit records to the Department upon request.

Action: The Respondent has paid one thousand six hundred dollars (\$1,600.00) in tank registration fees, properly abandoned the tank system, and agreed to submit a closure assessment report within 30 days. If the closure documentation is received as agreed, the Department will **suspend** the civil penalty of one thousand two hundred dollars (**\$1,200.00**).

- 16) Order Type and Number: Consent Order 04-0419-UST
Order Date: June 30, 2004
Respondent: **Whaley Durr**
Facility: M&M Quick Stop
Location/Mailing Address: 5514 Memorial Blvd.
St. George, S.C. 29477
County: Dorchester
Previous Orders: None
Permit/ID Number: 03048
Violations Cited: UST Control Regulations, R.61-92,
§280.20 (c)(1)(ii).

Summary: Whaley Durr (Respondent) owns and Mark Fralix operates underground storage tanks located at 5514 Memorial Blvd., St. George, SC. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to use an adequate overfill prevention system.

Action: The Respondent removed a gauging stick that disabled the overflow prevention equipment located in the drop tube of the tank and paid a civil penalty in the amount of five hundred dollars **(\$500.00)**.

- 17) Order Type and Number: Administrative Order 03-0057-UST
Order Date: March 29, 2004
Respondent: **Carolina Entertainment, Inc.**
Facility: Munn-E-Saver/Coastal 105
Location/Mailing Address: 437 Broad Street
Sumter, S.C. 29150
County: Sumter
Permit/ID Number: 11776
Facility: Exxon Mart 103
Location/Mailing Address: 494 N. Main Street
Sumter, S.C. 29150
County: Sumter
Previous Orders: 02-1480-UST (\$250), 02-1678-UST (\$400)
Permit/ID Number: 11773
Violations Cited: UST Control Regulations, R.61-92, §280.31(b); R.61-92, §280.31(c); R.61-92, §280.40(a); R.61-92, §280.34(c).

Summary: Carolina Entertainment, Incorporated (Respondent), located in Sumter, South Carolina, owns and operates underground storage tanks located at 437 Broad Street and 494 North Main Street, Sumter, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to have the cathodic protection system tested every 3 years; failure to inspect impressed current system every 60 days; failure to provide adequate release detection methods; and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of eleven thousand six hundred fifty-five dollars **(\$11,655.00)** when it became clear that the owner/ operator did not intend to enter into a Consent Order or come into compliance by submitting current corrosion protection system test results, a copy of the rectifier log, and release detection records or proof that the tanks have been emptied to less than one inch. The Administrative Order was not appealed.

- 18) Order Type and Number: Administrative Order 04-0081-UST
Order Date: April 20, 2004
Respondent: **Neil Patel**
Facility: Shaktima, LLC
Location/Mailing Address: 1200 McIver Street
Darlington, S.C. 29532

<u>County:</u>	Darlington
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	02752
<u>Violations Cited:</u>	UST Control Regulations, R.61-92, §280.30(a); R.61-92, §280.31(a); R.61-92, §280.31(b); R.61-92, §280.40(a); R.61-92, §280.93(a); R.61-92, §280.34(c); R.61-92, §280.110(c).

Summary: Neil Patel (Respondent) owns and operates underground storage tanks located at 1200 McIver Street, Darlington, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to maintain spill prevention equipment; failure to operate and maintain the corrosion protection equipment continuously; failure to have corrosion protection system inspected every 3 years; failure to provide an adequate release detection method; failure to demonstrate financial responsibility; and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of eleven thousand eight hundred eighty-four dollars (**\$11,884.00**) when it became clear that the owner/ operator did not intend to enter into a Consent Order or come into compliance by submitting spill bucket repair records, current corrosion protection system test results, a copy of the rectifier log, a copy of February and March 2004 release detection records, and financial responsibility documentation. The Administrative Order was not appealed.

19)	<u>Order Type and Number:</u>	Consent Order 04-0457-UST
	<u>Order Date:</u>	July 12, 2004
	<u>Respondents:</u>	Hugh Andrews and Ravinder Mander
	<u>Facility:</u>	Briar Patch Qwik Stop
	<u>Location/Mailing Address:</u>	17750 Asheville Hwy Campobello, S.C. 29322
	<u>County:</u>	Spartanburg
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	08362
	<u>Violations Cited:</u>	UST Control Regulations, R.61-92, §280.93(a), R.61-92, §280.110(c).

Summary: Hugh Andrews and Ravinder Mander (Respondents) own and operate underground storage tanks at 17750 Asheville Highway, Campobello, SC. The Respondents have violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility, and failure to provide records to the Department upon request.

Action: The Respondents have submitted the financial responsibility documentation and paid a civil penalty in the amount of one thousand dollars **(\$1,000.00)**.

- 20) Order Type and Number: Consent Order 04-0480-UST
 Order Date: July 16, 2004
 Respondent: **Circle K Stores, Inc.**
 Facility: Circle K 2705123
 Location/Mailing Address: 3855 W. Montague Ave.
 N. Charleston, S.C. 29418
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 01484
 Facility: Circle K 2708105
 Location/Mailing Address: 1701 Hwy 17
 N. Myrtle Beach, S.C. 29582
 County: Horry
 Previous Orders: None
 Permit/ID Number: 05112
 Violations Cited: UST Control Regulations, R.61-92, §280.30 (a),
 R.61-92, §280.52, R.61-92, §280.34(c).

Summary: Circle K Stores, Incorporated, (Respondent) a Texas corporation, owns and operates underground storage tanks at 3855 W. Montague Avenue, North Charleston, SC, and 1701 Highway 17 North, North Myrtle Beach, SC. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to maintain spill prevention equipment, failure to investigate and confirm a suspected release within a reasonable time period, and failure to provide records to the Department upon request.

Action: The Respondent submitted all the compliance data within 30 days of signing the Consent Order and the civil penalty of seven hundred dollars **(\$700.00)** was **suspended**.

- 21) Order Type and Number: Consent Order 04-0404-UST
 Order Date: July 27, 2004
 Respondent: **Associated Oils of SC, Inc.**
 Facility: Evergreen 123
 Location/Mailing Address: 11080 Broad River Rd.
 Irmo, SC 29063
 County: Richland County
 Previous Orders: 03-4172-UST (\$0)
 00-0600-UST (\$2,200)
 Permit/ID Number: 18200

Violations Cited: UST Control Regulations, R.61-92, §280.20(g), R.61-92, §280.34(c); R.61-92, §280.65(a), R.61-92, §280.65(b).

Summary: Associated Oils of South Carolina, Incorporated (Respondent), located in Columbia, South Carolina, is a local petroleum marketer. The Respondent has violated the UST Control Regulations as follows: failure to submit a plan for abandoning the impacted water supply well on site, failure to submit a Tier II assessment report to include sampling the impacted well and changing the granular activated carbon filter.

Action: The Respondent has submitted the Tier II report and has agreed to sample the impacted public water supply well monthly, changing the granulated activated charcoal filter as needed. When the facility is hooked up to city water, within the next ten months, the well will be abandoned. The civil penalty in the amount of one thousand one hundred dollars **(\$1,100.00)** was **suspended**.

22) Order Type and Number: Administrative Order 03-0159-UST
Order Date: June 4, 2004
Respondent: **Whitesides General, Inc.**
Facility: Whitesides & Company
Location/Mailing Address: 1041 E. Main St.
Smyrna, SC 29743
County: York
Previous Orders: None
Permit/ID Number: 09439
Violations Cited: UST Control Regulations, R.61-92, §280.40(a), R.61-92, §280.34(c).

Summary: Whitesides General, Incorporated owns underground storage tanks located at 1041 E. Main Street, Smyrna, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide an adequate release detection method, and failure to provide records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of four thousand nine hundred eighteen dollars **(\$4,918.00)** when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by submitting a copy of a current tank tightness test and release detection records. The Administrative Order was not appealed.

23) Order Type and Number: Consent Order 04-0430-UST
Order Date: August 4, 2004
Respondent: **Coley, Incorporated**
Facility: Cuz's Corner
Location/Mailing Address: 419 A South Congress St.

	Winnsboro, S.C. 29180
<u>County:</u>	Fairfield
<u>Previous Orders:</u>	03-5052-UST (\$0)
<u>Permit/ID Number:</u>	11040
<u>Facility:</u>	Center Express #3
<u>Location/Mailing Address:</u>	11278 Garners Ferry Rd.
	Eastover, S.C. 29044
<u>County:</u>	Richland
<u>Previous Orders:</u>	99-0989-UST (\$2,500)
<u>Permit/ID Number:</u>	16160
<u>Violations Cited:</u>	UST Control Regulations, R.61-92, §280.93(a), R.61-92, §280.110(c).

Summary: Coley, Incorporated (Respondent) owns and operates underground storage tanks at 419 A S. Congress Street, Winnsboro, SC, and 11278 Garners Ferry Road, Eastover, SC. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility, and failure to provide financial responsibility records to the Department upon request.

Action: The Respondent submitted all the compliance data within 30 days of signing the Consent Order and the civil penalty of two thousand dollars (\$2,000.00) was **suspended**.

24)	<u>Order Type and Number:</u>	Consent Order 04-0529-UST
	<u>Order Date:</u>	August 10, 2004
	<u>Respondent:</u>	Harshad Patel
	<u>Facility:</u>	Rabons Sav On
	<u>Location/Mailing Address:</u>	3585 Camden Hwy, Dalzell, SC
	<u>County:</u>	Sumter
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	08835
	<u>Violations Cited:</u>	UST Control Regulations, R.61-92, §280.10(e); R.61-92, §280.23(b); R.61-92, §280.31(b); R.61-92, §280.34(c).

Summary: Harshad Patel (Respondent) owns and operates underground storage tanks located at 3585 Camden Hwy, Dalzell, Sumter County, SC. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to obtain a permit to operate prior to placing a UST system in operation, failure to have cathodic protection system inspected by a qualified tester every 3 years, and failure to provide records to the Department upon request.

Action: The Respondent obtained a permit to operate for his new tank, scheduled the cathodic protection testing for the existing tanks, and paid a civil penalty in the amount of two hundred fifty dollars **(\$250.00)**.

BUREAU OF WATER

Drinking Water Enforcement

25) Order Type and Number: Administrative Order 04-021-DW
Order Date: February 13, 2004
Respondent: **Donnie R. Ligon**
Facility: Ligon's Well Drilling
Location/Mailing Address: 1450 Mitchum Road
Manning, S.C. 29102
County: Clarendon and Williamsburg
Previous Order(s): None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. Regs. 61-44(D)(4),
61-44(F)(1), and 61-71(F)(12)(a)

Summary: Donnie R. Ligon (Respondent) d/b/a Ligon's Well Drilling is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the South Carolina Individual Residential Well and Irrigation Well Permitting Regulations and the South Carolina Well Standards and Regulations as follows: failure to submit completed Notice of Intent (NOI) forms for 5 wells; failure to submit permit fees prior to constructing the 5 wells; and failure to submit Water Well Record forms within 30 days after completing 33 wells.

Action: The Respondent was ordered to: cease the practice of installing wells in the State of South Carolina that do not meet minimum requirements and comply with all pertinent State laws and regulations concerning well construction and permitting; submit completed NOI forms; submit permitting fees in the amount of three hundred thirty dollars (\$330.00); submit the remaining 21 Water Well Record forms for which permits were issued; and pay a civil penalty in the amount of six thousand five hundred dollars **(\$6,500.00)**.

26) Order Type and Number: Consent Order 04-105-DW
Order Date: May 26, 2004
Respondent: **Country Club of Spartanburg**
Facility: Country Club of Spartanburg
Location/Mailing Address: P.O. Box 2706
Spartanburg, S.C. 29304
County: Spartanburg
Previous Orders: None

Permit/ID Number: 42GC005
Violations Cited: S.C. Code Ann. Regs. 49-4-10 and 49-5-10

Summary: The Country Club of Spartanburg (Respondent) owns and is responsible for the operation and maintenance of a groundwater and surface water withdrawal system. The Respondent has violated the Surface Water Withdrawal and Reporting Act and the Groundwater Use and Reporting Act as follows: failure to submit groundwater and surface water withdrawal reports for the 2003 reporting period.

Action: The Respondent has agreed to: operate and maintain the groundwater wells and report surface water and groundwater withdrawal in accordance with all applicable State regulations; pay a civil penalty in the amount of eight hundred dollars (**\$800.00**); and submit the completed Water Use Report form for the 2003 reporting period. The penalty has been paid.

27) Order Type and Number: Consent Order 04-106-DW
Order Date: June 8, 2004
Respondent: **National Water Services, Inc.**
Facility: EarthFare Reverse Osmosis (RO) Units in Charleston, Greenville and Richland Counties
Location/Mailing Address: 2778 Agua Fria-Suite CC
Santa Fe, NM 87507
County: Charleston, Greenville and Richland
Previous Orders: 01-174-DW (\$2,100)
Permit/ID Number: 1070981
Violations Cited: S.C. Code Ann. Regs. 61-58(1) (B)(1), 61-58.7(G)(1), 61-58.7(G)(2), and 61-58(1)(K)(1)

Summary: National Water Services, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of 3 public water systems (PWSs) RO water dispensing units that serve the customers and employees at 3 EarthFare Supermarkets located in Charleston County, Greenville County, and Richland County, South Carolina. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to have a licensed Bottle Water Class Operator maintain and operate the PWS; failure to keep records of each visit by a licensed Bottle Water Class Operator; failure to obtain permits to construct 2 PWSs prior to construction; and failure to obtain final approvals to operate prior to operating 2 PWSs.

Action: The Respondent has agreed to: operate and maintain the PWSs in accordance with all applicable State and Federal laws and regulations; retain a licensed operator of the appropriate class to operate and maintain the RO unit located in Charleston County; submit operation and maintenance records for the

RO unit located in Charleston County for the previous 2 years; submit the permit application packages for the RO units located in Greenville and Richland County; begin monthly bacteriological analysis on the unpermitted RO units located in Greenville and Richland County; and pay a civil penalty in the amount of two thousand four hundred fifty dollars (**\$2,450.00**) in 12 monthly installments.

28) Order Type and Number: Consent Order 04-107-DW
 Order Date: June 2, 2004
 Respondent: **Kim Malphrus**
 Facility: Tickton Hall Subdivision PWS
 Location/Mailing Address: 1430 Okatie Highway
 Okatie, S.C. 29909

 County: Jasper
 Previous Orders: None
 Permit/ID Number: 2760003
 Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Kim Malphrus (Respondent) is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: submit a Corrective Action Plan to address deficiencies at the PWS.

29) Order Type and Number: Consent Order 04-111-DW
 Order Date: June 8, 2004
 Respondent: **Star Fort National Golf Club, Inc.**
 Facility: Star Fort National Golf Club PWS
 Location/Mailing Address: P.O. Box 207
 Ninety-Six, S.C. 29666

 County: Greenwood
 Previous Orders: None
 Permit/ID Number: 24GC050
 Violations Cited: S.C. Code Ann. §§ 49-4-50(A) and
 49-5-90(A)

Summary: Star Fort National Golf Club, Inc. (Respondent) owns and is responsible for the operation and maintenance of a permitted groundwater and surface water withdrawal system. The Respondent has violated the Groundwater Use and Reporting Act and the Surface Water Withdrawal and Reporting Act as follows: failure to submit the groundwater and surface water withdrawal reports for the 2003 reporting period.

Action: The Respondent has agreed to: operate and maintain its groundwater and surface water withdrawal system and report groundwater and

surface water withdrawal in accordance with all applicable State regulations; submit the completed Water Use Report form for the 2003 reporting period; and pay a civil penalty in the amount of five hundred sixty dollars **(\$560.00)**. The penalty has been paid.

- 30) Order Type and Number: Consent Order 04-117-DW
 Order Date: June 16, 2004
 Respondent: **Hilda Jackson**
 Facility: Savoy Lounge PWS
 Location/Mailing Address: 479 McIver Road
 Florence, S.C. 29506

 County: Florence
 Previous Orders: None
 Permit/ID Number: 2170401
 Violations Cited: S.C. Code Ann. Regs. 61-30(G)(2),
 61-58.5(C)(2)(c), 61-58.5(G)(1)(c) and 61-58.6(E)

Summary: Hilda Jackson (Respondent) d/b/a Savoy Lounge owns and is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulations as follows: failure to perform the required annual nitrate and quarterly bacteriological monitoring; failure to issue public notice; and failure to submit drinking water fees for the 2003 and 2004 fiscal years.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; pay the balance of the drinking water fees in the amount of nine hundred ninety-six dollars and eighty-eight cents (\$996.88); and pay a civil penalty in the amount of seven hundred dollars **(\$700.00)**.

- 31) Order Type and Number: Consent Order 04-118-DW
 Order Date: June 15, 2004
 Respondent: **Brown's Ferry Water Company, Inc.**
 Facility: Brown's Ferry Water Company PWS
 Location/Mailing Address: 6730 Johnson Road
 Georgetown, S.C. 29440

 County: Georgetown
 Previous Orders: 03-223-DW (\$2,400)
 Permit/ID Number: 2220003
 Violations Cited: S.C. Code Ann. Regs. 61-30
 (G)(2)(a)(i), 61-58.5(C)(2)(C) and 61-58.6(E)

Summary: Brown's Ferry Water Company, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to

perform the required annual nitrate monitoring; failure to issue public notice; and failure to submit the required drinking water fees for fiscal years 2003 and 2004.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; issue public notice; pay the balance of the drinking water fees totaling fifteen thousand nine hundred thirty-four dollars and sixty-seven cents (\$15,934.67); and pay a civil penalty in the amount of eight hundred fifty dollars (**\$850.00**). The penalty has been paid.

32)	<u>Order Type and Number:</u>	Consent Order 04-119-DW
	<u>Order Date:</u>	June 30, 2004
	<u>Respondent:</u>	Lady's Island Country Club, LLC.
	<u>Facility:</u>	Lady's Island Country Club
	<u>Location/Mailing Address:</u>	139 Francis Marion Circle Beaufort, S.C. 29902
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07GC017
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 49-5-90(A)

Summary: Lady's Island Country Club, LLC. (Respondent) owns and is responsible for the operation and maintenance of a permitted groundwater withdrawal system. The Respondent has violated the Groundwater Use and Reporting Act as follows: failure to submit the groundwater withdrawal report for the 2003 reporting period.

Action: The Respondent has agreed to: operate and maintain the groundwater withdrawal system and report groundwater withdrawal in accordance with State regulations; submit the completed Water Use Report form for the 2003 reporting period; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**). The penalty has been paid.

33)	<u>Order Type and Number:</u>	Consent Order 04-120-DW
	<u>Order Date:</u>	June 21, 2004
	<u>Respondent:</u>	Brown's Ferry Water Company, Inc.
	<u>Facility:</u>	Brown's Ferry Water Co.
	<u>Location/Mailing Address:</u>	6730 Johnson Road Georgetown, S.C. 29440
	<u>County:</u>	Georgetown
	<u>Previous Orders:</u>	03-223-DW (\$2,400)
	<u>Permit/ID Number:</u>	22WS007
	<u>Violations Cited:</u>	S.C. Code Ann. § 49-5-90(A)

Summary: The Brown's Ferry Water Company, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a groundwater withdrawal system. The Respondent has violated the Groundwater Use and Reporting Act as follows: failure to submit a groundwater withdrawal report for the 2003 reporting period.

Action: The Respondent has agreed to: operate and maintain the groundwater withdrawal system and report groundwater withdrawal in accordance with all applicable State regulations; submit the completed 2003 Water Use Report form; and pay a civil penalty in the amount of two thousand eight hundred eighty dollars (**\$2,880.00**) in 2 equal installments.

34) Order Type and Number: Consent Order 04-125-DW
Order Date: June 22, 2004
Respondent: **William Scurry**
Facility: The Coastal Empire's Gold Club
PWS
Location/Mailing Address: 1004 West Highway 80
Pooler, GA 31322
County: Jasper
Previous Orders: None
Permit/ID Number: 2770906
Violations Cited: S.C. Code Ann. Regs. 61-30 (G)(2),
61-58.5(C)(2)(c), 61-58.5(G)(1)(c), and 61-58.6(E)

Summary: William Scurry (Respondent) d/b/a The Coastal Empire's Gold Club is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulations as follows: failure to perform the required annual nitrate and quarterly bacteriological monitoring and failure to submit the drinking water fees for the 2003 and 2004 fiscal years.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations, pay the balance of the drinking water fees in the amount of six hundred eighty-seven dollars and fifty cents (\$687.50); and pay a **stipulated** penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**) if he fails to meet any requirement of this Order.

35) Order Type and Number: Consent Order 04-131-DW
Order Date: June 30, 2004
Respondent: **McCormick County Water Authority**
Facility: McCormick County Water Authority
PWS
Location/Mailing Address: Rt. 2, Box 84-AAA

<u>County:</u>	McCormick, S.C. 29835
<u>Previous Orders:</u>	McCormick 99-181-W (\$8,000); 03-092-W (\$10,750)
<u>Permit/ID Number:</u>	3520002
<u>Violations Cited:</u> and 61-58.11(H)	S.C. Code Ann. Regs. 61-58.6(E)

Summary: The McCormick County Water Authority (Respondent) is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to monitor for lead and copper during the compliance periods of June – September 2002 and June – September 2003 and failure to issue public notice.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; during the month of June 2004, collect the required number of monitoring samples for lead and copper and submit the samples to a State certified laboratory for analysis; within 5 days of issuing the 2003 Consumer Confidence Report (CCR) submit a copy of the distributed public notice and a statement specifying when and how the public notice was distributed; and pay a civil penalty in the amount of two thousand one hundred twenty-five dollars **(\$2,125.00)**. The penalty has been paid.

36) <u>Order Type and Number:</u>	Consent Order 04-132-DW
<u>Order Date:</u>	June 30, 2004
<u>Respondent:</u>	Birkdale, LLC
<u>Facility:</u>	Hillview Mobile Home Park (MHP)
<u>Location/Mailing Address:</u>	607 Birkdale Court Martinez, GA 30817
<u>County:</u>	Aiken
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	260016
<u>Violations Cited:</u> and 61-58.7	S.C. Code Ann. Regs. 61-58.1(K)(1)

Summary: Birkdale, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS; and failure to obtain final approval to operate an emergency constructed well.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit an as-built construction package for the emergency constructed well; within 10 days of the approval of the as-built construction package, contact the Lower Savannah

EQC District to request a final inspection; correct all deficiencies listed in the 2003 Sanitary Survey; and pay a **stipulated** penalty in the amount of one thousand four hundred dollars **(\$1,400.00)** if it fails to meet any requirement in this Order.

- 37) Order Type and Number: Consent Order 04-126-DW
 Order Date: July 7, 2004
 Respondent: **Ashley Acres, Inc.**
 Facility: Ashley Acres North Mobile Home
 Park (MHP)
 Location/Mailing Address: 9491 Old Percival Road
 Columbia, S.C. 29210
 County: Richland
 Previous Orders: Emergency Order 03-245-DW
 Permit/ID Number: 4060006
 Violations Cited: S.C. Code Ann. Regs. 61-58.1(B)(1),
 61-58.7(B)(1), 61-58.1(K)(1) and S.C. Code Ann. § 44-55-80(A)(3)

Summary: Ashley Acres, Inc. (Respondent) is responsible for the operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations and the State Safe Drinking Water Act as follows: failure to comply with the requirements of Emergency Order 03-245-DW; failure to properly operate and maintain the PWS; and failure to obtain a permit to construct and final approval to operate from the Department prior to modifying the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal laws and regulations; comply with all requirements of the Operating Permit; and pay a civil penalty in the amount of five thousand dollars **(\$5,000.00)**. The penalty has been paid.

- 38) Order Type and Number: Consent Order 04-134-DW
 Order Date: July 1, 2004
 Respondent: **James A. Darby, Jr.**
 Facility: N/A
 Location/Mailing Address: 2512 Zinker Road
 Rock Hill, S.C. 29730
 County: York
 Previous Orders: None
 Permit/ID Number: N/A
 Violations Cited: S.C. Code Ann. Regs. 61-
 71(F)(12)(a)

Summary: James A. Darby, Jr. (Respondent) is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the

South Carolina Well Standards and Regulations as follows: failure to submit water well record forms after installation of 630 wells.

Action: The Respondent has agreed to: comply with all applicable State laws and regulations concerning well construction and permitting; submit 50 water well record forms each month until all of the 630 forms have been submitted; submit a Corrective Action Plan (CAP) specifying procedural changes implemented to prevent future occurrences of the violation; and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**). The penalty has been paid.

39) Order Type and Number: Consent Order 04-136-DW
Order Date: July 12, 2004
Respondent: **Mary Rogers**
Facility: Rogers MHP
Location/Mailing Address: 7696 Marlboro Avenue
Barnwell, S.C. 29812
County: Barnwell
Previous Orders: None
Permit/ID Number: 0660003
Violations Cited: S.C. Code Ann. Regs. 61-30(G), 61-58.5(C)(2) and 61-58.6(E)

Summary: Mary Rogers (Respondent) d/b/a Rogers MHP owns and is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to monitor the PWS for nitrate; failure to issue public notice; and failure to submit drinking water fees for fiscal years 2003 and 2004.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal regulations; connect the Rogers MHP to the Town of Barnwell water system; within 15 days of connection to the Town of Barnwell's water system, contact the Lower Savannah EQC Office to schedule a final inspection; submit in writing to the Department intentions for the existing well; pay the balance of the drinking water fees totaling two thousand two hundred two dollars and fifteen cents (\$2,202.15); and pay a **stipulated penalty** of two thousand eight hundred dollars (**\$2,800.00**) if she fails to meet any requirement in this Order.

40) Order Type and Number: Consent Order 04-137-DW
Order Date: July 12, 2004
Respondent: **Barry Smith**
Facility: Red Oak MHP
Location/Mailing Address: 1911 Augusta Road
West Columbia, S.C. 29169
County: Lexington

Previous Orders: 02-265-DW (\$5,000)
Permit/ID Number: 3260064
Violations Cited: S.C. Code Ann. § 44-55-80(A)(3),
S.C. Code Ann. Regs. 61-58.5 (H)(2) and 61-58.11(H)

Summary: Barry Smith (Respondent) d/b/a Red Oak MHP is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) of 5.0 pCi/L for combined Radium 226 and 228; failure to comply with Consent Order 02-265-DW; and failure to monitor for lead and copper.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit a copy of the contract with the City of West Columbia approving the connection of the Red Oak MHP to the City of West Columbia's PWS; submit a contract including a schedule for completion of the connection; collect the required number of monitoring samples for lead and copper and submit the samples to a State certified laboratory for analysis, and notify the Department within 5 days of completion of this requirement; and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) in quarterly installments.

41) Order Type and Number: Consent Order 04-142-DW
Order Date: July 30, 2004
Respondent: **Land Promotions, Inc.**
Facility: Wyboo Plantation Subdivision
Location/Mailing Address: P.O. Box 780
Manning, S.C. 29102
County: Clarendon
Previous Orders: None
Permit/ID Number: 1450010
Violations Cited: S.C. Code Ann. § 44-55-80(A)(2)
and S.C. Code Ann. Regs. 61-58.4(D)(12)

Summary: Land Promotions, Inc. (Respondent) previously owned and was responsible for the proper operation and maintenance of the public water system (PWS) that serves the residents of the Wyboo Plantation Subdivision. The Respondent has violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: failure to properly install water, sewer, and irrigation lines within the Wyboo Plantation Subdivision.

Action: The Respondent has agreed to: identify all areas within Wyboo Plantation Subdivision where the sewer force mains and water mains are installed in the same ditch and submit a CAP to address the areas identified along with a schedule of completion (SOC); implement the CAP in accordance with the approved SOC and have a licensed professional engineer inspect the work of a

licensed contractor on a daily basis during the days of work activity; submit monthly progress reports until all corrective actions have been completed and approved by the Department; and pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)** in quarterly installments. The first payment has been received.

42) Order Type and Number: Consent Order 04-147-DW
Order Date: July 27, 2004
Respondent: **Wyboo Plantation Utilities, Inc.**
Facility: Wyboo Plantation Subdivision
Location/Mailing Address: P.O. Box 780
Manning, S.C. 29102
County: Clarendon
Previous Orders: 00-041-W (\$0); 03-288-DW (\$200)
Permit/ID Number: 1450010
Violations Cited: S.C. Code Ann. § 44-55-80(A)(2)
and S.C. Code Ann. Regs. 61-58.4(C)(5)

Summary: Wyboo Plantation Utilities, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the PWS that serves the residents of the Wyboo Plantation Subdivision. The Respondent has violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: failure to provide elevated storage due to taps exceeding three hundred (300).

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal laws and regulations; submit a permit application package for the construction of a ground storage tank with a booster pump station and auxiliary power; within 30 days of the issuance of the construction permit, submit a copy of the contract to have the ground storage tank with a booster pump station and auxiliary power installed; within 1 year of the permit issuance date, complete the construction of the ground storage tank with a booster pump station and auxiliary power and obtain final approval to operate from the Department; and pay a **stipulated penalty** in the amount of three thousand dollars **(\$3,000.00)** if it fails to meet any requirement in this Order.

43) Order Type and Number: Consent Order 04-149-DW
Order Date: July 30, 2004
Respondent: **Ms. Verna Donnelly**
Facility: Myrtlecrest Residential Care, LLC
Location/Mailing Address: P.O. Box 9098
Columbia, S.C. 29207
County: Richland
Previous Orders: 02-148-DW (\$0)
04-098-DW (\$0)
Permit/ID Number: 4070910

Violations Cited: S.C. Code Ann. Regs. 61-58.6(E),
61-58.7(D)(2) and 61-58.11 (H)(10)

Summary: Myrtlecrest Residential Care, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to monitor the PWS for lead and copper; failure to issue public notice; and failure to retain an operator of the appropriate grade for the groundwater treatment system.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal regulations; issue public notice; and pay a civil penalty in the amount of four thousand five hundred dollars **(\$4,500.00)** in twelve monthly installments.

44) Order Type and Number: Consent Order 04-150-DW
Order Date: July 30, 2004
Respondent: **Kenneth Halter**
Facility: Ciera MHP
Location/Mailing Address: 441 Dunbar Road
West Columbia, S.C. 29172
County: Lexington
Previous Orders: None
Permit/ID Number: 3260171
Violations Cited: S.C. Code Ann. Regs. 61-58.5(H)(2)

Summary: Kenneth Halter (Respondent) d/b/a Ciera MHP owns and is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) of 5.0 pCi/L for combined Radium 226 and 228.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit a CAP detailing the procedures and proposed schedule for addressing the violations; upon review and approval by the Department, the corrective action plan and schedule shall be incorporated into and become an enforceable part of the Order; and pay a **stipulated** penalty in the amount of four thousand dollars **(\$4,000.00)** if he fails to meet any requirement of this Order.

45) Order Type and Number: Consent Order 04-155-DW
Order Date: August 4, 2004
Respondent: **AAA Utilities, Inc.**
Facility: Lakeside Forest Subdivision #2 PWS
Location/Mailing Address: 3071 Hwy 6
Lexington, S.C. 29073
County: Lexington

Previous Orders: 99-105-W (\$10,000)
Permit/ID Number: 3250030
Violations Cited: S.C. Code Ann. § 44-55-40(D) and
S.C. Code Ann. Regs. 61-58.7(B)(1)

Summary: AAA Utilities, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit a construction application package to obtain a construction permit to connect the PWS to the Batesburg-Leesville water system; complete the connection to the Batesburg-Leesville water system and within 30 days of the completion of the connection, obtain final approval to operate from the Department, have a certified well driller properly abandon the existing wells, and contact the Central Midlands EQC District to request a final site inspection; and pay a **stipulated** penalty in the amount of three thousand dollars (**\$3,000.00**) if it fails to meet any requirement in this Order.

46) Order Type and Number: Consent Order 04-156-DW
Order Date: August 6, 2004
Respondent: **Knollcreek SD Residents**
Facility: Knollcreek SD PWS
Location/Mailing Address: Knollcreek Drive
Simpsonville, S.C. 29680
County: Greenville
Previous Orders: None
Permit/ID Number: 2350022
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: The Residents of Knollcreek SD (Respondents) are responsible for the operation and maintenance of a PWS. The Respondents have violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondents have agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit in writing their intentions for the existing well; complete the connection to the Greenville Water System; submit progress reports every 60 days; and pay a **stipulated** penalty in the amount of four thousand dollars (**\$4,000.00**) if they fail to meet any requirement in this Order.

47) Order Type and Number: Consent Order 04-160-DW

Order Date: August 12, 2004
Respondent: **Dorothy Jackson**
Facility: Jackson Mobile Home Park (MHP)
Location/Mailing Address: 390 Church Street
West Columbia, S.C. 29172
County: Lexington
Previous Orders: None
Permit/ID Number: 3260005
Violations Cited: S.C. Code Ann. Regs. 61-58.5(H)

Summary: Dorothy Jackson (Respondent) d/b/a Jackson MHP is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) for combined Radium 226 and 228 for 2 consecutive monitoring periods.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations and submit a Corrective Action Plan detailing how she plans to correct the MCL exceedance.

Water Pollution Enforcement

48) Order Type and Number: Consent Order 04-079-W
Order Date: June 3, 2004
Respondent: **Kalama Specialty Chemicals, Inc.**
Facility: Kalama Specialty Chemicals, Inc.
Location/Mailing Address: 2730 West Tyvola Road
Charlotte, N.C. 28217
County: Beaufort
Previous Orders: None
Permit/ID Number: ND00076287
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
S.C. Code Ann. Regs. 61-9.505.41(a)(1)

Summary: Kalama Specialty Chemicals, Inc. (Respondent) owns and is responsible for the proper operation of a ground water remediation system. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to meet the permitted discharge limits for chloroform, methylene chloride, and 1, 2 dichloroethane.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; submit a summary of corrective actions taken to ensure compliance with the limits contained in the permit; and pay a civil penalty in the amount of eight thousand four hundred dollars (**\$8,400.00**) in quarterly installments.

49) Order Type and Number: Administrative Order 04-100-W
Order Date: May 17, 2004
Respondent: **Michaelenne Mellor d/b/a CDC All American Travel Plaza**
Facility: Stuckey's Pecan Shoppe #83
Wastewater Treatment Facility (WWTF)
Location/Mailing Address: Route 2, Box 807
Coosawhatchie, S.C. 29912
County: Jasper
Previous Orders: None
Permit/ID Number: SC0034550
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
S.C. Code Ann. Regs. 61-9.122.41(a), (j)(3) and (l)(4)

Summary: Michaelenne Mellor (Respondent) d/b/a CDC All American Travel Plaza owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to meet the effluent limits for dissolve oxygen (DO), biochemical oxygen demand (BOD), ammonia-nitrogen (NH₃-N), flow in conduit (flow) and fecal coliform bacteria; failed to submit administratively complete discharge monitoring reports (DMRs); and failed to provide an operator of the proper grade to perform daily operation and maintenance activities.

Action: The Respondent was ordered to: comply with all applicable State and Federal laws and regulations; hire an operator of the appropriate grade; submit a diagnostic evaluation (DE) of the WWTF with a corrective action plan (CAP) and a schedule of implementation (if the business is to remain open); immediately eliminate the discharge (if the business is to close) and properly close out the WWTF; and pay a civil penalty in the amount of twenty-five thousand four hundred dollars **(\$25,400.00)**.

50) Order Type and Number: Consent Order 04-102-W
Order Date: June 3, 2004
Respondent: **DuPont Teijin Films**
Facility: DuPont Teijin Films WWTF
Location/Mailing Address: P.O. Drawer 100543
Florence, S.C. 29501
County: Florence
Previous Orders: 03-058-A (\$13,000)
Permit/ID Number: None
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
S.C. Code Ann. Regs. 61-9.122.41(j)(3)

Summary: DuPont Teijin Films (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving its polyester films manufacturing facility. The Respondent has violated the Pollution Control Act as follows: failed to monitor for BOD; and failed to submit properly completed discharge monitoring reports (DMRs).

Action: The Respondent has agreed to: submit a corrective action plan for ensuring proper completion of the DMRs; and pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**). The penalty has been paid.

51) Order Type and Number: Consent Order 04-108-W
Order Date: June 15, 2004
Respondent: **Town of Saluda Commission of Public Works (CPW)**
Facility: Saluda CPW WWTF
Location/Mailing Address: P.O. Box 686
Saluda, S.C. 29138
County: Saluda
Previous Orders: 99-095-W (\$13,000)
Permit/ID Number: SC0022381
Violations Cited: S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.41(a) and (e)

Summary: The Town of Saluda CPW (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to meet effluent limits for flow; failed to properly operate and maintain the wastewater collection system (WWCS); and failed to begin construction of an upgrade as required by the compliance schedule in the National Pollutant Discharge Elimination System (NPDES) permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; properly report all sanitary sewer overflows (SSOs); develop and implement a capacity, Management, Operation and Maintenance (cMOM) audit; submit a corrective action plan with a schedule for priority deficiencies within the WWCS; submit semi-annual progress reports with regards to the cMOM audit development and corrective actions taken; complete construction of the on-going upgrades; and pay a civil penalty in the amount of nine thousand six hundred dollars (**\$9,600.00**). The civil penalty has been paid.

52) Order Type and Number: Consent Order 04-110-W
Order Date: June 8, 2004
Respondent: **Cook Poultry Farm, Inc.**
Facility: Cook Poultry Farm, Inc.

<u>Location/Mailing Address:</u>	P.O. Box 1294 Lake City, S.C. 29560
<u>County:</u>	Williamsburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	ND0073521/CP# 17,559-AG
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-43. 200.50 (B) and 61-43.200.100.B(21)

Summary: Cook Poultry Farm, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a broiler chicken farm. The Respondent has violated the Standards for the Permitting of Agricultural Animal Facilities as follows: stockpiled manure on-site for more than 3 days without proper cover; placed 3 grow-out houses into operation without the appropriate approvals; constructed 2 grow-out houses without the appropriate permits; and constructed and placed into operation an incinerator and a burial pit without the appropriate permits or approvals.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; submit an updated animal facility management plan, an application for a permit to construct, and all appropriate permitting fees; and pay a civil penalty in the amount of seven thousand dollars (\$7,000.00) in quarterly installments.

53)	<u>Order Type and Number:</u>	Consent Order 04-112-W
	<u>Order Date:</u>	June 10, 2004
	<u>Respondent:</u>	Carolina Water Service, Inc.
	<u>Facility:</u>	White's Creek/Lincolnshire WWTF
	<u>Location/Mailing Address:</u>	P.O. Drawer 4509 West Columbia, S.C. 29171
	<u>County:</u>	Georgetown
	<u>Previous Orders:</u>	Board Order 00-153-W (\$20,000)
	<u>Permit/ID Number:</u>	SC0030732
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d), S.C. Code Ann. Regs. 61-9.122.41(a)(1), 61-9.122.41(e) and 61-9.122.47(e)

Summary: Carolina Water Service, Inc. (Respondent) owns and is responsible for a WWTF. The Respondent violated the Pollution Control Act as follows: failed to eliminate the discharge by connection to a regional sewer; failed to comply with the permitted discharge limits for flow, ammonia-nitrogen, and total residual chlorine; and failed to properly operate and maintain the WWTF.

Action: The Respondent has agreed to: upgrade the WWTF and operate under a five-year permit containing a schedule to pursue connection to a regional sewer.

54) Order Type and Number: Consent Order 04-121-W
 Order Date: June 21, 2004
 Respondent: **Driftwood Property Owners
Association (POA), Inc.**
 Facility: Driftwood POA WWTF
 Location/Mailing Address: c/o 1516 By Pass 72 Northeast
 Greenwood, S.C. 29649
 County: Greenwood
 Previous Orders: None
 Permit/ID Number: SC0040380
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and
 S.C. Code Ann. Regs. 61-9.122.41(a) and (e)

Summary: The Driftwood Property Owners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to meet the effluent limits for biochemical oxygen demand, ammonia-nitrogen, total suspended solids, dissolved oxygen, and total phosphorus.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; submit a plan for the closure of the WWTF; properly close out the WWTF once the discharge has been eliminated; and pay a **stipulated** penalty in the amount of seventeen thousand three hundred dollars (**\$17,300.00**) if it fails to meet any requirement in this Order.

55) Order Type and Number: Consent Order 04-124-W
 Order Date: June 22, 2004
 Respondent: **William G. Bush**
 Facility: Beaufort Drain, Septic and Sewer
 Service
 Location/Mailing Address: 16 Fiddlerville Cove, Rte 1, Box 191
 Beaufort, S.C. 29902
 County: Beaufort
 Previous Orders: None
 Permit/ID Number: N/A
 Violations Cited: S.C. Code Ann. § 48-1-90(a), 48-1-
 110(a)(1), and 48-39-130

Summary: William G. Bush (Respondent) d/b/a Beaufort Drain, Septic, and Sewer Service owns and is responsible for the proper operation and maintenance of a septage pumping and transporting business. The Respondent has violated the Pollution Control Act and the South Carolina Coastal Zone Management Act as follows: discharged waste into the environment; installed 2 septage storage tanks without the appropriate permits, and placed the 2 septage storage tanks into operation without Department approval.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; provide proof of publication in a newspaper, a public apology to the citizens of South Carolina; submit a corrective action plan detailing all clean-up activities to be taken or a summary of clean-up activities already completed; submit copies of all septage removal and disposal records for the past 6 months; submit all septage removal and disposal records at the end of each month for the next 6 months. The Department assessed a civil penalty in the amount of sixteen thousand eight hundred dollars **(\$16,800.00)**. A request was made for relief from the assessed penalty, which was substantiated by a review of financial records. The Department agreed that the balance between the amount assessed and the amount paid shall be suspended following completion of all other Order requirements at which time the penalty balance shall be waived. A civil penalty in the amount of eight thousand four hundred dollars **(\$8,400.00)** has been paid.

56)	<u>Order Type and Number:</u>	Consent Order 04-128-W
	<u>Order Date:</u>	June 30, 2004
	<u>Respondent:</u>	Western Carolina Regional Sewer Authority
	<u>Facility:</u>	Grove Creek WWTF
	<u>Location/Mailing Address:</u>	561 Mauldin Road Greenville, S.C. 29607
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	99-073-W (\$82,000); 99-067-W (\$13,950); 99-066-W (\$14,400); 99-094-W (\$40,500); 99-093-W (\$18,000); 99-157-W (\$12,000); 99-158-W (\$1,900); 99-159-W (\$17,000); 99-160-W (\$29,000); 99-161-W (\$10,000); 99-162-W (\$14,000); 00-020-W (\$14,000); 00-021-W (\$21,000); 00-022-W (\$30,000); 01-085-W (\$8,000); 02-010-W (\$5,100); 02-011-W (\$2,100); 02-193-W (\$8,400)
	<u>Permit/ID Number:</u>	SC0024317
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: Western Carolina Regional Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to meet the effluent limits for chronic toxicity, % effect (TOX), flow and total residual chlorine (TRC).

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; submit a summary of corrective actions taken to date; submit a CAP with a schedule detailing operational procedures and maintenance techniques to be implemented to ensure effluent limits are met; and pay a civil penalty in the amount of five thousand six hundred dollars **(\$5,600.00)**. The penalty has been paid.

57) Order Type and Number: Consent Order 04-129-W
 Order Date: June 30, 2004
 Respondent: **Phibro-Tech, Inc.**
 Facility: Phibro-Tech, Inc.
 Location/Mailing Address: 2395 Cains Mill Road
 Sumter, S.C. 29154
 County: Sumter
 Previous Orders: 01-034-HW (\$40,000)
 Permit/ID Number: SC0034860
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and
 S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: Phibro-Tech, Inc. (Respondent) owns and is responsible for a manufacturing facility. The Respondent has violated the Pollution Control Act as follows: failed to sample its stormwater discharges.

Action: The Respondent has agreed to: develop and implement Best Management Practices (BMPs) addressing the clean-up of dust and other debris on the roof of its manufacturing facility; develop and submit Standard Operating Procedures (SOPs) for sampling stormwater discharges; and pay a civil penalty in the amount of two thousand dollar **(\$2,000.00)**. The penalty has been paid.

58) Order Type and Number: Consent Order 04-130-W
 Order Date: June 30, 2004
 Respondent: **City of Sumter**
 Facility: Pocatigo River WWTF
 Location/Mailing Address: P.O. Box 1449
 Sumter, S.C. 29151
 County: Sumter
 Previous Orders: 00-079-W (\$7,700); 01-253-W
 (\$4,200)
 Permit/ID Number: SC0027707
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and
 S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: The City of Sumter (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act as follows: failed to comply with the permitted discharge limits for fecal coliform.

Action: The Respondent has agreed to: submit a corrective action plan and an implementation schedule to address fecal coliform violations; and pay a civil penalty in the amount of three thousand dollar **(\$3,000.00)**. The penalty has been paid.

59) Order Type and Number: Consent Order 04-133-W
Order Date: June 30, 2004
Respondent: **City of North Myrtle Beach**
Facility: Crescent Beach and Ocean Drive
WWTFs
Location/Mailing Address: 1018 2nd Avenue
North Myrtle Beach, S.C. 29582
County: Horry
Previous Orders: None
Permit/ID Number: SC0022161 and SC0022152
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
S.C. Code Ann. Regs. 61-9.122.41(j)(3)

Summary: The City of North Myrtle Beach (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act as follows: failed to collect the required number of samples for pH, total residual chlorine, ammonia-nitrogen and total suspended solids and failed to report the results on discharge monitoring reports.

Action: The Respondent has agreed to: submit a copy of an amended laboratory standard operating procedure; and pay a civil penalty in the amount of one thousand seven hundred dollars **(\$1,700.00)**. The penalty has been paid.

60) Order Type and Number: Consent Order 04-127-W
Order Date: July 7, 2004
Respondent: **Dempsey Forest Products**
Facility: Joseph T. Givens Tract
Location/Mailing Address: P.O. Drawer 38
Rowesville, S.C. 29133-0038
County: Colleton
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. § 48-1-90

Summary: Dempsey Forest Products (Respondent) is responsible for silviculture activities covering a tract of land approximately 12 acres at the Joseph T. Givens Property. The Respondent has violated the Pollution Control Act as follows: discharged sediment into the environment and waters of the State.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with applicable State and Federal regulations; submit a Standard Operating Procedure (SOP) for prevention of unauthorized discharges of sediment and logging debris into the environment; require all felling and shoveling machine operators to attend the South Carolina Forestry Commission (SCFC) Top Logger Class and upon completion, submit to the Department a copy of the certification of completion; and pay a civil penalty in the amount of one thousand four hundred dollars (**\$1400.00**). The penalty has been paid.

- 61) Order Type and Number: Consent Order 04-135-W
 Order Date: July 12, 2004
 Respondent: **Town of Ridgeland**
 Facility: Town of Ridgeland Wastewater
 Treatment Facility (WWTF)
 Location/Mailing Address: P.O. Box 1119
 Ridgeland, S.C. 29936
 County: Jasper
 Previous Orders: 02-143-W (\$7,000)
 Permit/ID Number: ND0067971
 Violations Cited: S.C. Code Ann. § 48-1-110(d), and
 S.C. Code Ann. Regs. 61-9.505.41(a)

Summary: The Town of Ridgeland (Respondent) owns and is responsible for the operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to meet the effluent limits for fecal coliform bacteria, biochemical oxygen demand, carbonaceous biochemical oxygen demand, and total suspended solids.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a summary of corrective actions taken to date; submit a corrective action plan with a schedule detailing operational procedures and maintenance techniques to be implemented to ensure effluent limits are met; and pay a civil penalty in the amount of five thousand four hundred dollars (**\$5,400.00**). The civil penalty has been paid.

- 62) Order Type and Number: Consent Order 04-140-W
 Order Date: July 30, 2004
 Respondent: **Carolina Water Service, Inc.**
 Facility: River Hills Subdivision
 Location/Mailing Address: P.O. Drawer 4509
 West Columbia, S.C. 29171
 County: York
 Previous Orders: 03-095-W (\$47,500) (Gem Lakes);
 01-095-W (\$7,000) (Glenn Village);
 04-083-W (\$16,000) (Pocalla); 04-

084-W (\$5,600) (Roosevelt Gdns.);
02-109-W (\$4,200) (Watergate); 02-
208-W (\$7,800) (Canterbury); 01-
165-W (\$8,000) (Chambert Forest);
03-227-W (\$1,400) (N. G'ville
College); 04-051-W (\$4,200)
(Trollingwood); 02-157-W (\$8,400)
(Kings's Grant); 04-112-W (\$0)
(Whitescreek); 03-210-W (\$4,200)
(Country Oaks); 03-211-W (\$4,200)
(Shandon)

Permit/ID Number:

N/A

Violations Cited:

S.C. Code Ann. § 48-1-90(a)

Summary: Carolina Water Service, Inc. (Respondent) owns and is responsible for a wastewater collection system (WWCS) that serves the River Hills Subdivision. The Respondent has violated the Pollution Control Act as follows: discharged wastewater into the environment.

Action: The Respondent has agreed to: report to the Department all Sanitary Sewer Overflows orally and in writing; begin development of an audit and comprehensive management plan for the WWCS, finalizing and implementing the plan within 240 days of the Order date; submit a corrective action plan and schedule addressing priority deficiencies in the WWCS; submit a summary report of corrective actions taken every 180 days, and pay a civil penalty in the amount of nine thousand six hundred dollars (**\$9,600.00**). The penalty has been paid.

63) Order Type and Number: Consent Order 04-141-W
Order Date: July 30, 2004
Respondent: **Gaffney Board of Public Works**
Facility: Peoples Creek-Broad River WWTF
and Clary WWTF
Location/Mailing Address: P.O. Box 64
Gaffney, S.C. 29340
County: Cherokee
Previous Orders: 01-202-DW (\$850); 02-159-W (\$0);
04-005-DW (\$4000 stipulated);
Permit/ID Number: SC0047091 and SC0031551
Violations Cited: S.C. Code Ann. § 48-1-110 (d) and
S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: Gaffney Board of Public Works (Respondent) owns and is responsible for the Peoples Creek–Broad River and Clary WWTFs. The Respondent has violated the Pollution Control Act as follows: failed to adhere to

the schedules of compliance contained in the National Pollutant Discharge Elimination System (NPDES) Permits.

Action: The Respondent has agreed to: complete the water effects ratio (WER) study for the Clary WWTF by August 1, 2004; if the Department disapproves the WER study for either the Peoples Creek–Broad River or Clary WWTF, then within 60 days of disapproval, submit to the Department a Preliminary Engineering Report (PER) for upgrade of the facilities to achieve compliance with NPDES Permit limits; and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**). The penalty has been paid.

64) Order Type and Number: Consent Order 04-144-W
Order Date: July 27, 2004
Respondent: **City of Abbeville**
Facility: Long Cane Creek WWTF
Location/Mailing Address: P.O. Box 639
Abbeville, S.C. 29620
County: Abbeville
Previous Orders: 02-078-W (\$3,395); 03-121-W (\$1,400)
Permit/ID Number: SC0040614
Violations Cited: S.C. Code Ann. § 48-1-90(a)

Summary: The City of Abbeville (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act as follows: discharged untreated wastewater into the environment.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a summary of corrective actions taken to date; properly report all overflows from its wastewater collection system (WWCS) in accordance with the sanitary sewer overflow (SSO) reporting requirements; develop a capacity, Management, Operation, and Maintenance (cMOM) plan; submit a CAP with a schedule to address known deficiencies within the WWCS; submit semi-annual reports detailing corrective actions taken to address priority deficiencies identified under the cMOM plan; and pay a civil penalty in the amount of seven thousand dollars (**\$7,000.00**). The penalty has been paid.

65) Order Type and Number: Consent Order 04-146-W
Order Date: July 27, 2004
Respondent: **Town of West Pelzer**
Facility: Town of West Pelzer WWTF
Location/Mailing Address: 3 Hindman Street
West Pelzer, S.C. 29669
County: Anderson
Previous Orders: 02-141-W (stipulated penalty)

Permit/ID Number: SC0025194
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: The Town of West Pelzer (Respondent) owns and is responsible for the operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to properly operate and maintain the WWTF; failed to comply with the effluent discharge limits for total residual chlorine (TRC), flow in conduit (flow), pH, TSS, fecal coliform bacteria, and dissolved oxygen (DO).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; eliminate the discharge from the WWTF; properly close out the WWTF; remove sludge from the facility in accordance with a schedule of not less than once a month; and pay a civil penalty in the amount of six thousand four hundred dollars (**\$6,400.00**) in quarterly installments.

66) Order Type and Number: Consent Order 04-152-W
Order Date: July 30, 2004
Respondent: **Richland County Utilities and Services**
Facility: Broad River WWTF
Location/Mailing Address: 3506 Fernandina Road
Columbia, S.C. 29210
County: Richland
Previous Orders: 00-235-W (\$0); 02-174-W (\$2,750)
Permit/ID Number: SC0046621
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
S.C. Code Ann. 61-9.122.41(a)

Summary: Richland County Utilities and Services (Respondent) owns and is responsible for a WWTF. The Respondent has violated the Pollution Control Act as follows: failed to comply with the effluent limits for fecal coliform.

Action: The Respondent has agreed to: develop and submit a corrective action plan addressing compliance with fecal coliform limits; and pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**). The penalty has been paid.

67) Order Type and Number: Consent Order 04-153-W
Order Date: July 15, 2004
Respondent: **William Earle Davenport**
Facility: Davenport Property
Location/Mailing Address: P.O. Box 915
Greenwood, S.C. 29648

<u>County:</u>	Laurens
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-90(a) and 48-14-30

Summary: William Earle Davenport (Respondent) is responsible for land clearing and grubbing activities encompassing greater than 5 acres on the Davenport property. The Respondent has violated the Pollution Control Act and associated regulations as follows: initiated land-disturbing activities prior to obtaining a permit; and discharged sediment into waters of the State.

Action: The Respondent has agreed to: stabilize the site with vegetative cover; submit a maintenance and inspection program for storm water controls; repair any control devices upon becoming aware of the disrepair; apply for appropriate permits prior to initiating any future land disturbing activities; and pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**). The civil penalty has been paid.

68) <u>Order Type and Number:</u>	Consent Order 04-154-W
<u>Order Date:</u>	July 29, 2004
<u>Respondent:</u>	Ray Hickson
<u>Facility:</u>	N/A
<u>Location/Mailing Address:</u>	150 Savannah Road Bishopville, S.C. 29010
<u>County:</u>	Lee
<u>Previous Orders:</u>	03-168-W (\$360,000 suspended)
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-90(a)

Summary: Ray Hickson (Respondent) owns and is responsible for property located in Lee County, South Carolina. The Respondent violated the Pollution Control Act and associated regulations as follows: allowed discharge of septage onto his property.

Action: The Respondent has agreed to: submit a request to the Natural Resource Conservation Service (NRCS) for a closure plan for the former agricultural lagoon on his property; after receipt of the closure plan from NRCS, submit the plan to the Department for approval and upon Department approval implement the closure plan. A three hundred sixty thousand dollar (**\$360,000.00**) civil penalty is **suspended** based on a review of financial documentation demonstrating an inability to pay.

69) Order Type and Number: Administrative Order 04-109-W
 Order Date: August 25, 2004
 Respondent: **James Infinger**
 Facility: Infinger Swine Facility
 Location/Mailing Address: 141 Deep Woods Road
 St George, S.C. 29477
 County: Dorchester
 Previous Orders: None
 Permit/ID Number: 12640/ND0010405
 Violations Cited: S.C. Code Ann. §§ 48-1-90(a) and
 48-14-30

Summary: James Infinger (Respondent) is responsible for the operation and maintenance of Infinger Swine Facility. The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with permit conditions allowing wastewater to discharge into the environment.

Action: The Respondent was ordered to: comply with all applicable State and Federal regulations; submit a report completed by a State Registered Professional Engineer certifying that all deficiencies are corrected and in accordance with the permit; and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**).

70) Order Type and Number: Consent Order 04-151-W
 Order Date: August 6, 2004
 Respondent: **Town of Ware Shoals**
 Facility: Dairy Street Wastewater Treatment
 Facility (WWTF)
 Location/Mailing Address: P.O. Box 510
 Ware Shoals, S.C. 29692
 County: Greenwood
 Previous Orders: 01-163-W (\$12,000), 01-163-W
 AMD (\$0) and 03-016-W (\$6,800)
 Permit/ID Number: SC0020214
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and
 S.C. Code Ann. Regs. 61-9.122.21(d)(1)

Summary: The Town of Ware Shoals (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to submit an administratively complete application for renewal of its National Pollutant Discharge Elimination System (NPDES) Permit 180 days prior to the expiration date of the Permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; properly operate and maintain the WWTF in

accordance with the most recent NPDES Permit until the permit is reissued; and pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**). The civil penalty has been paid.

71) Order Type and Number: Consent Order 04-159-W
 Order Date: August 12, 2004
 Respondent: **Butler Ware Trucking, Inc.**
 Facility: Dirty Money Mine
 Location/Mailing Address: P.O. Box 1558
 Moncks Corner, S.C. 29461
 County: Dorchester
 Previous Orders: 02-098-A (\$3,500)
 Permit/ID Number: N/A
 Violations Cited: S.C. Code Ann. §§ 48-1-10,
 48-1-90 and 48-1-110

Summary: Butler Ware Trucking, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the Dirty Money Mine. The Respondent has violated the Pollution Control Act as follows: discharged sediment into the environment and waters of the State, and failed to submit Discharge Monitoring Reports (DMRs) as required.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with applicable State and Federal regulations; submit a Standard Operating Procedure (SOP) for prevention of unauthorized discharges; and pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**). The penalty has been paid.

72) Order Type and Number: Consent Order 04-161-W
 Order Date: August 12, 2004
 Respondent: **RMC Mid Atlantic LLC d/b/a**
 RMC Metromont Materials
 Facility: White Horse Road WWTF
 Location/Mailing Address: P.O. Box 1292
 Spartanburg, S.C. 29304
 County: Greenville
 Previous Orders: 00-241-W (\$5,600); 01-026-A
 (\$4,000)
 Permit/ID Number: SC0001295
 Violations Cited: S.C. Code Ann. §§ 48-1-90(a), 48-1-
 110(d) and S.C. Code Ann. Regs. 61-9.122.41

Summary: RMC Mid Atlantic LLC (Respondent) d/b/a RMC Metromont Materials owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the

effluent limits for pH and total suspended solids (TSS); failed to submit an administratively complete application for renewal of its NPDES Permit resulting in the unpermitted discharge of treated wastewater into the environment.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; continue to operate the WWTF in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the most recently issued NPDES Permit until a new permit becomes effective or the discharge from the Prestress (Site #2) facility is eliminated; submit an administratively complete application for permit renewal; submit a summary of corrective actions taken; and pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**). The penalty has been paid.

73) Order Type and Number: Consent Order 04-163-W
 Order Date: August 24, 2004
 Respondent: **Devcom, Inc.**
 Facility: Mallard Lakes Subdivision
 Location/Mailing Address: P.O. Box 571
 Columbia, S.C. 29202

 County: Aiken
 Previous Orders: None
 Permit/ID Number: N/A
 Violations Cited: S.C. Code Ann. Regs. 61-9.122
 .26(b)(x)

Summary: DevCom, Inc. (Respondent) is responsible for land-disturbing and construction activities in the Mallard Lakes Subdivision. The Respondent has violated the Pollution Control Act and associated regulations as follows: initiated land-disturbing activities prior to obtaining a permit.

Action: The Respondent has agreed to: submit a report, completed by a State Registered Professional Engineer, certifying that all storm water controls have been installed and are operating properly; and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**). The penalty has been paid.

74) Order Type and Number: Consent Order 04-164-W
 Order Date: August 12, 2004
 Respondent: **Town of Andrews**
 Facility: Andrews WWTF
 Location/Mailing Address: P.O. Box 378
 Andrews, S.C. 29510

 County: Georgetown
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: S.C. Code Ann. Regs. 61-67.300
 (F)(17)

Summary: The Town of Andrews (Respondent) owns and is responsible for a WWTF. The Respondent has violated the Standards for Wastewater Facility Construction as follows: failed to close out the WWTF within 180 days of elimination of the discharge by connection to a regional sewer system.

Action: The Respondent has agreed to: submit a closure plan by September 12, 2004; and pay a **stipulated penalty** in the amount of five thousand one hundred dollars (**\$5,100.00**) if it fails to close out the WWTF by October 1, 2004.

75) Order Type and Number: Consent Order 04-165-W
Order Date: August 27, 2004
Respondent: **South Carolina Electric & Gas Co.**
Facility: McMeekin Station
Location/Mailing Address: 111 Research Drive
Columbia, S.C. 29203
County: Lexington
Previous Orders: 03-090-W (\$14,000); 03-246-W (\$30,000)
Permit/ID Number: SC0002046
Violations Cited: S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.41(a)

Summary: South Carolina Electric and Gas Company (Respondent) owns and is responsible for a steam generating facility. The Respondent has violated the Pollution Control Act as follows: failed to sample for chronic toxicity.

Action: The Respondent has agreed to: pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**). The penalty has been paid.

76) Order Type and Number: Consent Order 04-166-W
Order Date: August 27, 2004
Respondent: **Western Carolina Regional Sewer Authority**
Facility: Sludge Land Application Program
Location/Mailing Address: 561 Mauldin Road
Greenville, S.C. 29607
County: Greenville
Previous Orders: 99-073-W (\$82,000); 99-067-W (\$13,950); 99-066-W (\$14,400); 99-094-W (\$40,500); 99-093-W (\$18,000); 99-157-W (\$12,000); 99-158-W (\$1,900); 99-159-W (\$17,000); 99-160-W (\$29,000); 99-161-W (\$10,000); 99-162-W

(\$14,000); 00-020-W (\$14,000); 00-021-W (\$21,000); 00-022-W (\$30,000); 01-085-W (\$8,000); 02-010-W (\$5,100); 02-011-W (\$2,100); 02-193-W (\$8,400); 04-128-W (\$5,600)

Permit/ID Number:

N/A

Violations Cited:

S.C. Code Ann. §§ 48-1-90(a), 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.41(a) and 61-68(E)(2)

Summary: Western Carolina Regional Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of a Sludge Land Application Program. The Respondent has violated the Pollution Control Act, Water Pollution Control Permit Regulations, and the Water Classifications and Standards as follows: failed to properly operate and maintain its land application sites resulting in “ponding” and the unauthorized discharge of bulk sewage into the environment and waters of the State.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a corrective action plan with a schedule detailing operational procedures and maintenance techniques to be implemented to prevent additional violations; submit quarterly updates of all land application site inspections conducted by the Respondent; and pay a civil penalty in the amount of nine thousand two hundred dollars (**\$9,200.00**).

BUREAU OF AIR QUALITY

77) Order Type and Number:

Consent Order 04-020-A

Order Date:

June 30, 2004

Respondent:

Mr. Sinclair Orvin

Facility:

Mr. Sinclair Orvin

Location/Mailing Address:

PO Box 36

Moncks Corner, SC 29829

County:

Berkley County

Previous Orders:

None

Permit/ID Number:

None

Violations Cited:

U.S. EPA 40 CFR 61.145 and S.C. Code Ann. Reg. 61-86.1

Summary: Mr. Sinclair Orvin (Respondent) owns a building formerly used as a grocery store located in Moncks Corner, South Carolina. The Respondent has violated U.S. EPA 40 CFR 61.145 and S.C. Code Ann. Reg. 61-86.1 as follows: failure to conduct a survey for the presence of asbestos prior to a building renovation, failure to provide written notification of an asbestos project

at least ten days prior to the project, and failure to obtain an asbestos project license prior to conducting an asbestos abatement project.

Action: The Respondent has agreed to: conduct a survey for the presence of asbestos, have any asbestos identified properly abated, and pay a civil penalty of four thousand dollars **(\$4,000.00)**. The penalty has been paid in full.

78) Order Type and Number: Consent Order 04-026-A
Order Date: June 9, 2004
Respondent: **National Electrical Carbon Products, Inc.**
Facility: National Electrical Carbon Products, Inc.
Location/Mailing Address: PO Box 1056
Greenville, SC 29602-1056
County: Greenville
Previous Orders: None
Permit/ID Number: TV-1200-0121
Violations Cited: S.C. Ann. § 48-1-110(d) and South Carolina Air Pollution Control Regulation 61-62.70, Title V Operating Permit Program

Summary: National Electrical Carbon Products, Inc. (Respondent), located in Greenville, South Carolina, manufactures carbon brushes for use in electric motors. The Respondent has violated S.C. Ann. § 48-1-110(d) and South Carolina Air Pollution Control Regulation 61-62.70, as follows: failure to submit an accurate TVACC for the reporting period ending August 26, 2003; failure to submit complete annual Monitoring Plan Compliance Certifications for the reporting periods ending August 26, 2002, and August 26, 2003; and failure to record daily baghouse pressure drop readings as required by its Permit.

Action: The Respondent has agreed to: submit accurate Title V Annual Compliance Certifications, monitor and record daily baghouse pressure drop readings, and pay a civil penalty in the amount of eight thousand dollars **(\$8,000.00)**. The penalty has been paid.

79) Order Type and Number: Consent Order 04-027-A
Order Date: June 8, 2004
Respondent: **Rudco South LLC**
Facility: Rudco South LLC
Location/Mailing Address: 1881 Suber Mill Rd
Greer, SC 29651
County: Greenville County
Previous Orders: None
Permit/ID Number: TV-1200-0194
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.70, Title V Operating Permit Program

Summary: Rudco South LLC (Respondent), located in Greer, South Carolina, welds and paints large metal waste containers. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to submit a complete application for renewal of its Title V Operating Permit at least six months prior to its expiration date.

Action: The Respondent has submitted a complete application for a Conditional Major Operating Permit. The Respondent has agreed to comply with all terms and conditions of Title V Operating Permit TV-1200-0194, effective August 27, 1998, until such time as the Department takes final action on the application for renewal, i.e., in this case, the application for a Conditional Major Operating Permit.

80) Order Type and Number: Consent Order 04-028-A
Order Date: June 30, 2004
Respondent: **PCC Richburg**
Facility: PCC Richburg
Location/Mailing Address: 2794 Old Richburg Rd
Richburg, SC 26729
County: Chester County
Previous Orders: None
Permit/ID Number: 0640-0058
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.1, Section II, Permit Requirements.

Summary: PCC Richburg (Respondent) located in Richburg, South Carolina, machines parts for use in aircraft. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to apply for and obtain required Department-issued permits prior to installing and operating sources of air contaminants.

Action: The Respondent has applied for and obtained required Department-issued permits. The Respondent has agreed henceforth to apply for and obtain required Department-issued permits prior to installing, operating, or modifying sources of air contaminants, and to pay a civil penalty in the amount of two thousand five hundred dollars (**\$2,500.00**). The penalty has been paid.

81) Order Type and Number: Consent Order 04-030-A
Order Date: June 30, 2004
Respondent: **Avondale Mills**
Facility: Swint Plant
Location/Mailing Address: 358 Ascauga Lake Rd
Graniteville, SC 29829
County: Aiken County
Previous Orders: 02-037-A (\$8,000)

<u>Permit/ID Number:</u>	TV-0080-0005
<u>Violations Cited:</u>	S.C. Code Ann. Reg. 61-62.70.5
<u>Project Manager:</u>	Brian Barnes

Summary: Avondale Mills – Swint Plant (Respondent), located in Graniteville, South Carolina, manufactures textiles. The Respondent has violated S.C. Code Ann. Reg. 61-62.70.5 as follows: failure to submit a timely application for renewal of its Title V Operating Permit.

Action: The Respondent has agreed to: comply with the terms of the existing Title V Permit, submit a partial or complete Title V Annual Compliance Certification (“TVACC”) for the interim period(s) until the new Title V permit is effective, and henceforth submit an application for renewal of its Title V permit at least six months prior to the expiration of its existing Title V permit.

82)	<u>Order Type and Number:</u>	Consent Order 04-031-A
	<u>Order Date:</u>	June 30, 2004
	<u>Respondent:</u>	Avondale Mills
	<u>Facility:</u>	Townsend Plant
	<u>Location/Mailing Address:</u>	418 Ascauga Lake Rd Graniteville, SC 29829
	<u>County:</u>	Aiken County
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	TV-0080-0006
	<u>Violations Cited:</u>	S.C. Code Ann. Reg. 61-62.70.5

Summary: Avondale Mills – Townsend Plant (Respondent), located in Graniteville, South Carolina, manufactures textiles. The Respondent has violated S.C. Code Ann. Reg. 61-62.70.5 as follows: failure to submit a timely application for renewal of its Title V Operating Permit.

Action: The Respondent has agreed to: comply with the terms of the existing Title V Permit, submit a partial or complete Title V Annual Compliance Certification for the interim period(s) until the new Title V permit is effective, and henceforth submit an application for renewal of its Title V permit at least six months prior to the expiration of its existing Title V permit.

83)	<u>Order Type and Number:</u>	Consent Order 04-032-A
	<u>Order Date:</u>	June 30, 2004
	<u>Respondent:</u>	Carolina Lumber LLC
	<u>Facility:</u>	Carolina Lumber LLC
	<u>Location/Mailing Address:</u>	PO Drawer 1186 Orangeburg, SC 29116
	<u>County:</u>	Orangeburg County
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	TV-1860-0036

Violations Cited: S.C. Code Ann. §48-1-110(d) and
S.C. Code Ann. Reg. 61-62.70

Summary: Carolina Lumber, LLC (Respondent), located in Orangeburg, South Carolina, manufactures wood products. The Respondent has violated S.C. Code Ann. §48-1-110(d) as follows: failure to conduct a source test for particulate matter emissions, failure to install and monitor pressure drop gauges, failure to conduct visual inspections, and failure to submit required operational information to the Department. The Respondent has violated S.C. Code Ann. Reg. 61-62.70 as follows: failure to submit an accurate and timely Title V Annual Compliance Certification for the certification periods ending January 24, 2003 and 2004.

Action: The Respondent has agreed to: record and submit all required information and certifications, conduct source tests as required, and pay a civil penalty in the amount of thirty thousand dollars (\$30,000.00) in three monthly installments.

84) Order Type and Number: Consent Order 04-033-A
Order Date: June 30, 2004
Respondent: **Bob Jones University**
Facility: Bob Jones University
Location/Mailing Address: 1700 Wade Hampton Blvd.
Greenville, SC 29614
County: Greenville
Previous Orders: None
Permit/ID Number: 1200-0245
Violations Cited: U.S. EPA Regulation 40 CFR 63.800(b)(1), S.C. Code Ann. 48-1-110(d), South Carolina Air Pollution Control Regulation 61-62.70, Title V Operating Permit Program, and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements

Summary: Bob Jones University (Respondent) operates two boilers used in the production of steam, four generators/engines used in the generation of electricity, an automotive shop, a cabinet shop, woodworking operations, a print shop, three storage tanks used to supply No. 2 fuel oil to the boilers, and a catalytic oxidizer used to control volatile organic compounds (VOC) emissions from the print shop. The Respondent violated U.S. EPA Regulation 40 CFR 63.800(b)(1); S.C. Code Ann. 48-1-110(d); South Carolina Air Pollution Control Regulation 61-62.70, Title V Operating Permit Program; and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, as follows: failure to submit a timely Title V Annual Compliance Certification ("TVACC") for the March 23, 2000, through March 22, 2001, reporting period; failure to maintain usage records of finishing materials and adhesives for the cabinet shop and woodworking operations; failure to calculate monthly VOC and

Hazardous Air Pollutant (HAP) emissions as 12-month rolling sums; failure to submit semiannual reports of VOC and HAP consumption and emissions; failure to maintain records of fuel oil sulfur content as part of the fuel oil supplier certification; failure to submit quarterly reports of fuel oil consumption and fuel oil supplier certification; failure to install, operate, and maintain pressure drop gauges on each module of the baghouse associated with the cabinet shop; failure to record daily pressure drop readings for the cabinet shop baghouse; failure to establish operational ranges for monitored parameters of the cabinet shop baghouse; failure to submit operational ranges for the baghouse/dry filter associated with its auto shop paint booth, the cabinet shop, and woodworking operations; failure to establish and submit operational ranges for monitored parameters of the catalytic oxidizer; failure to operate the baghouse at all times when general wood working operations were in progress; failure to limit the operation of Boiler No. 1 while using No. 2 fuel oil to a maximum of nine hours during any 24-hour period; failure to submit semiannual reports for hours of operation for Boiler No. 1 and Engines No. 1 through 4; failure to maintain the results of annual visual inspections of Storage Tanks No. 1 through 3, a paper trim baler, the cabinet shop, and woodworking operations; failure to submit semiannual reports of daily visual inspections of Boiler No. 1, Engines No. 1 through 4, and a lithographic press; and failure to obtain the necessary permits prior to installing and operating the new lithographic press.

Action: The Respondent has agreed to: submit an accurate Title V Annual Compliance Certification (“TVACC”) for each reporting period within 45 days of the end of each reporting period; maintain usage records of finishing materials and adhesives; maintain and submit VOC and HAP consumption and emissions, maintain and submit records of fuel oil consumption and fuel oil supplier certification; install, operate, and maintain pressure drop gauges on each module of baghouses/dry filters; record pressure drop readings; establish and submit operational ranges for monitored parameters of all applicable sources of air contaminants and air pollution control devices; limit boiler operation in accordance with the restrictions in its Permits; operate control devices in accordance with requirements in its Permits; maintain and submit the results of visual inspections; apply for and obtain appropriate permits or exemptions prior to constructing, altering, or adding to any sources of air contaminants; and pay a civil penalty in the amount of thirty-four thousand dollars (**\$34,000.00**). The penalty has been paid.

85)	<u>Order Type and Number:</u>	Consent Order 04-035-A
	<u>Order Date:</u>	July 14, 2004
	<u>Respondent:</u>	Ameresco Solutions, Inc.
	<u>Facility:</u>	Ameresco Solutions, Inc.
	<u>Location/Mailing Address:</u>	128 South Tryon St. Ste. 2200 Charlotte, NC 28202
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	None

Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a), and
South Carolina Air Pollution Control Regulation 61-86.1, Section IV.B.2.

Summary: Ameresco Solutions, Inc. (Respondent) is an electrical contractor. The Respondent violated U.S. EPA 40 CFR 61.145(a), and South Carolina Air Pollution Control Regulation 61-86.1, Section IV.B.2, as follows: failure to thoroughly inspect for the presence of asbestos prior to the commencement of renovations at 369 family housing units at the Department of the Army's Fort Jackson located in Columbia, South Carolina; and failure to ensure that a licensed asbestos building inspector conducted an asbestos survey to identify the presence, location, and estimated quantity of asbestos-containing material prior to beginning renovations at the 369 family housing units at Fort Jackson.

Action: The Respondent has agreed to: ensure that a licensed asbestos building inspector performs a valid asbestos survey prior to beginning any renovation at a regulated building or structure; and pay a civil penalty in the amount of four thousand five hundred dollars (**\$4,500.00**). The penalty has been paid.

86) Order Type and Number: Consent Order 04-036-A
Order Date: July 14, 2004
Respondent: **Shakespeare Monofilament and Specialty Polymers**
Facility: Shakespeare Monofilament and Specialty Polymers
Location/Mailing Address: 6111 Shakespeare Rd
Columbia, SC 29223
County: Richland
Previous Orders: None
Permit/ID Number: 1900-0036
Violations Cited: S.C. Code Ann. 48-1-110(d), and
South Carolina Air Pollution Control Regulation 61-62.1, Section II,
Permit Requirements

Summary: Shakespeare Monofilament and Specialty Polymers (Respondent) is a facility that manufactures nylon, polyester, and other polymer monofilaments. The Respondent violated S.C. Code Ann. 48-1-110(d), and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, as follows: failure to conduct a source test for volatile organic compound (VOC) emissions; and failure to obtain the appropriate Department-issued permits prior to installing and operating a barometric condenser and an electrostatic precipitator.

Action: The Respondent has agreed to: obtain the appropriate permits from the Department prior to constructing, altering, or adding to any sources of air contaminants; conduct a Department-approved source test for VOC emissions from its chemical tower; conduct a subsequent source test for VOC emissions from the chemical tower no later than four years from the date of the test required above; thereafter, conduct tests no later than that date every fourth year; and pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**). The penalty has been paid.

87) Order Type and Number: Consent Order 04-037-A
Order Date: July 14, 2004
Respondent: **Industrial Container Services**
Facility: Industrial Container Services – SCII
Location/Mailing Address: 2918 Industrial Ave
Charleston, SC 29405
County: Charleston County
Previous Orders: 00-096-A (\$4,000) 03-015-A
(\$30,000); 03-01-HW (\$19,000)
Permit/ID Number: TV-0560-0081
Violations Cited: S.C. Code Ann. Reg. 61-62.70.5

Summary: Industrial Container Services (Respondent), located in Charleston, South Carolina, reconditions and recycles cardboard and metal drums. The Respondent has violated S.C. Code Ann. Reg. 61-62.70.5 as follows: failure to submit a complete Title V Operating Permit renewal application.

Action: The Respondent has agreed to: comply with the terms of the existing Title V Permit, submit a partial or complete Title V Annual Compliance Certification for the interim period(s) until the new Title V permit is effective.

88) Order Type and Number: Consent Order 04-038-A
Order Date: July 23, 2004
Respondent: **Marathon Abrasive Company, Inc.**
Facility: Marathon Abrasive Company, Inc.
Location/Mailing Address: 2928 James F. Wherry Rd
Chester, SC 29706
County: Chester County
Previous Orders: None
Permit/ID Number: 0640-0053
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.70, Title V Operating Permit Program.

Summary: Marathon Abrasive Company, Inc. (Respondent), located in Chester, South Carolina, manufactures industrial grinding wheels. The Respondent violated South Carolina Air Pollution Control Regulations as follows:

failure to submit an application for a Title V Operating Permit within 12 months of becoming subject to the Regulation. The facility became subject to Title V on the effective date of July 26, 1995. The Title V application was due no later than July 26, 1996.

Action: The Respondent has submitted a complete application for a Conditional Major Operating Permit. The Respondent has agreed to henceforth apply for and obtain required Department-issued permits prior to installing, operating or modifying any source of air contaminants, and pay a civil penalty in the amount of eight thousand dollars **(\$8,000.00)**. The penalty has been paid.

89) Order Type and Number: Consent Order 04-039-A
Order Date: July 30, 2004
Respondent: **Mike Miller d/b/a Miller Construction Company**
Facility: Mike Miller d/b/a Miller Construction Co
Location/Mailing Address: 225 Thompson Rd
Anderson, SC 29624
County: Anderson
Previous Orders: None
Permit/ID Number: N0401297
Violations Cited: U.S. EPA 40 CFR 61.145(b),
Standard for Demolition and Renovation, and South Carolina Regulation
61-86.1, Section XIII, Standards for Demolitions

Summary: Mike Miller d/b/a Miller Construction Company (Respondent), located in Anderson, South Carolina, specializes in demolitions, asbestos abatement, site preparations, and construction projects. The Respondent has violated U.S. EPA Regulations at 40 CFR 61.145(b), Standard for Demolition and Renovation, and South Carolina Regulation 61-86.1, Section XIII, Standards for Demolitions, as follows: failure to notify the Department in writing at least ten working days prior to initiating demolition, and failure to obtain demolition project licenses prior to beginning demolition of three structures.

Action: The Respondent has agreed to: notify the Department in writing at least ten working days prior to initiating demolition activities; obtain a demolition project license and pay all associated fees prior to initiating demolition activities; and pay a civil penalty in the amount of three thousand dollars **(\$3,000.00)**. The penalty has been paid.

90) Order Type and Number: Consent Order 04-041-A
Order Date: July 23, 2004
Respondent: **Mohawk Industries–Oak River Mill**

Facility: Mohawk Industries-Oak River Mill
Location/Mailing Address: PO Box 887
Bennettsville, SC 29512
County: Marlboro
Previous Orders: 00-076-W (\$10,200); 00-098-A
(\$2,500)
Permit/ID Number: TV-1680-0002
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.70, Title V Operating Permit Program

Summary: Mohawk Industries-Oak River Mill (Respondent), located in Bennettsville, South Carolina, performs heat setting of yarn on Suessen machines for use in carpet production. The Respondent has violated South Carolina Air Pollution Control Regulation 61-62.70, Title V Operating Permit Program, as follows: failure to submit an application for renewal of its Title V Operating Permit at least six months prior to the expiration date of its Permit.

Action: The Respondent has agreed to: comply with the terms and conditions of Title V Operating permit TV-1680-0002, effective December 22, 1998, until a final permit action is taken on its application for renewal, and submit future applications for renewal of its Title V Operating Permit at least six months prior to the expiration date of its permit.

91) Order Type and Number: Consent Order 04-042-A
Order Date: July 23, 2004
Respondent: **R.W. Allen & Associates, Inc.**
Facility: R.W. Allen & Associates, Inc.
Location/Mailing Address: PO Box 3925
Augusta, GA 30914
County: Anderson
Previous Orders: None
Permit/ID Number: N040-1297
Violations Cited: U.S. EPA 40 CFR 61.145(b),
Standard for Demolition and Renovation, and South Carolina Regulation
61-86.1, Section XIII, Standards for Demolitions

Summary: R.W. Allen & Associates, Inc. (Respondent), located in Augusta, GA, is a general construction contractor. The Respondent has violated U.S. EPA 40 CFR 61.145(b), Standard for Demolition and Renovation, and South Carolina Regulation 61-86.1, Section XIII, Standards for Demolitions, as follows: failure to notify the Department in writing at least ten working days prior to initiating demolition, and failure to obtain demolition project licenses prior to beginning demolition of three structures.

Action: The Respondent has agreed to: notify the department in writing at least ten working days prior to initiating demolition activities; obtain a

demolition project license and pay all associated fees prior to initiating demolition activities; and pay a civil penalty in the amount of two thousand dollars (\$2,000.00). The penalty has been paid.

92) Order Type and Number: Consent Order 04-044-A
 Order Date: July 23, 2004
 Respondent: **Eagle Building Systems, Inc.**
 Facility: Eagle Building Systems, Inc.
 Location/Mailing Address: 1325 Old Hilton Rd
 Chapin, SC 29036
 County: Lexington
 Previous Orders: None
 Permit/ID Number: None
 Violations Cited: U.S. EPA Regulations at 40 CFR 61
 - National Emission Standards For Hazardous Air Pollutants, Subpart M -
 National Emission Standard For Asbestos, and South Carolina Air
 Pollution Control Regulation 61-86.1, Standards of Performance for
 Asbestos Projects

Summary: Eagle Building Systems, Inc. (Respondent) is a general contractor. The Respondent violated U.S. EPA Regulations at 40 CFR 61 - National Emission Standards For Hazardous Air Pollutants, Subpart M - National Emission Standard For Asbestos, and South Carolina Air Pollution Control Regulation 61-86.1, Standards of Performance for Asbestos Projects, as follows: failure to thoroughly inspect for the presence of asbestos prior to the commencement of demolition of a building; failure to ensure that a licensed asbestos building inspector conducted an asbestos survey to identify the presence, location, and estimated quantity of asbestos-containing material prior to beginning demolition of the building; failure to ensure that the Department was provided with written notice of intent to demolish the building at least 10 working days prior to the demolition; failure to ensure that all applicable fees were paid prior to demolishing the building; and failure to ensure that an asbestos project demolition license was obtained prior to demolishing the building.

Action: The Respondent has agreed to: ensure that a licensed asbestos building inspector performs an asbestos survey prior to beginning demolition of any regulated building or structure; submit written notification to the Department at least 10 working days prior to beginning demolition of any regulated building or structure; obtain an asbestos demolition project license prior to beginning demolition of any regulated building or structure; include an asbestos survey with each notification of demolition; include project fees in the correct amount with each notification of demolition; and pay a civil penalty in the amount of three thousand two hundred dollars (\$3,200.00) payable in ten equal payments of three hundred twenty dollars (\$320.00) each.

93) Order Type and Number: Consent Order 04-045-A
 Order Date: July 30, 2004
 Respondent: **Detyens Shipyards, Inc.**
 Facility: Detyens Shipyards, Inc.
 Location/Mailing Address: 1670 Drydock Ave
 Building 236, Ste 200
 North Charleston, SC 29405-2121
 County: Berkeley
 Previous Orders: 00-060-A (\$11,000); 01-009-HW
 (\$10,000); 01-117-W (\$4,200)
 Permit/ID Number: 0420-0074
 Violations Cited: S.C. Code Ann. § 48-1-110(d)

Summary: Detyens Shipyards, Inc. (Respondent) operates a ship repair facility and conducts abrasive blasting for removing paint from and cleaning of ship parts and assemblies. The Respondent violated S.C. Code Ann. § 48-1-110(d), as follows: while conducting abrasive blasting, it failed to position containment curtains around the area being blasted; and it failed to keep curtains used as containment in good working condition during blasting.

Action: The Respondent has agreed to: not conduct abrasive blasting unless it has properly positioned containment curtains around the area being blasted; maintain curtains used as containment in good working condition (*i.e.* without tears and holes) during blasting; and pay a civil penalty in the amount of three thousand two hundred dollars (**\$3,200.00**). The penalty has been paid.

94) Order Type and Number: Consent Order 04-046-A
 Order Date: July 30, 2004
 Respondent: **Phibro-Tech, Inc.**
 Facility: Phibro-Tech, Inc.
 Location/Mailing Address: PO Box 1979
 Sumter, SC 29169
 County: Sumter
 Previous Orders: 01-034-HW (\$40,000)
 Permit/ID Number: 2140-0042
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 Project Manager: **Valerie M. Prost**

Summary: Phibro-Tech, Inc. (Respondent), located in Sumter, South Carolina, manufactures copper salts, surfactants, vitamin premixes, and mold inhibitors. The Respondent has violated S.C. Code Ann. § 48-1-110(d), as follows: failure on numerous occasions to operate and maintain the pressure differentials for the Dissolver Scrubber, the #6 Dryer Scrubber, and the Multiclone within the ranges established by its Permit, failure to submit an accurate Monitoring Plan Compliance Certification for the reporting period

ending August 6, 2003, and failure to obtain Department approval prior to implementing revisions to its Monitoring Plan.

Action: The Respondent has agreed to: document an explanation or corrective action for out-of-range operational readings on control devices; submit accurate Monitoring Plan Compliance Certifications; submit a revised annual Monitoring Plan Compliance certification for the reporting period ending August 6, 2003; submit a written request to amend the Permit to address all control device operational ranges and monitoring conditions, including data and information supporting the proposed operational ranges and monitoring conditions; submit a revised Monitoring Plan that is consistent with the proposed operational ranges and monitoring conditions in the requested amendment to the Permit as noted above; and pay a civil penalty in the amount of seven thousand five hundred dollars (**\$7,500.00**). The penalty has been paid.

95) Order Type and Number: Consent Order 04-043-A
Order Date: August 4, 2004
Respondent: **Mohawk Rocky River Plant**
Facility: Mohawk Rocky River Plant
Location/Mailing Address: PO Box 454
Calhoun Falls, SC 29628
County: Abbeville
Previous Orders: None
Permit/ID Number: 0040-0001
Violations Cited: U.S. EPA 40 CFR Part 70.5(a), Duty to Apply, and South Carolina Air Pollution Control Regulation 61-62.70.5(a), Duty to Apply, South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, S.C. Code Ann. §48-1-110(d), and S.C. Code Ann. §48-1-90(a).

Summary: Mohawk Rocky River Plant (Respondent), located in Calhoun Falls, South Carolina, manufactures nylon carpet yarn. The Respondent has violated the Pollution Control Act and State and Federal Air Pollution Control Regulations as follows: exceeded its #6 fuel oil consumption limit for each twelve-month period ending February 2001 through January 2002 and May through November 2003; exceeded its 100 TPY sulfur dioxide emissions limit for each twelve-month period ending February 2001 through January 2002; failed to submit a Title V permit application in accordance with State and Federal Regulations; failed to obtain required Department-issued permits prior to installing and operating a new Dye Line; failed to calculate monthly and twelve-month rolling sum consumption of #6 fuel oil since the effective date of its Permit; failed to submit reports of consumption of #6 fuel oil, materials containing VOC or HAP, and dyes and additives; and failed to make records of the same available to the Department upon request.

Action: The Respondent has agreed to maintain compliance with its permitted fuel consumption limit; obtain required Department-issued permits prior to installing or operating sources of air contaminants; maintain records on-site as required; submit required reports in a timely manner; and pay a civil penalty in the amount of twenty-four thousand dollars **(\$24,000.00)**. The penalty has been paid.

96) Order Type and Number: Consent Order 04-047-A
Order Date: August 17, 2004
Respondent: **Carolinas Recycling Group**
Facility: Carolinas Recycling Group
Location/Mailing Address: PO Box 578
Lyman, SC 29365
County: Spartanburg
Previous Orders: None
Permit/ID Number: 2060-0353
Violations Cited: U.S. EPA Regulations at 40 CFR 70.5(a), Duty to Apply; South Carolina Air Pollution Control Regulation 61-62.70.5(a), Duty to Apply; and S.C. Code Ann. §48-1-110(d), South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, and U.S. EPA Regulations at 40 CFR 63.1516(b).

Summary: Carolinas Recycling Group (Respondent), located in Lyman, South Carolina, processes and recycles metal waste. The Respondent has violated the Pollution Control Act and State and Federal Air Pollution Control Regulations as follows: the Respondent failed to submit an application for a Title V Air Quality Operating Permit in accordance with State and Federal Regulations and Construction Permit 2060-0353-CA; failed to obtain required Department-issued permits prior to installing and operating a shredder and Z-box separator; and failed to submit a semi-annual excess emissions summary report for its aluminum sweat furnace as required.

Action: The Respondent has agreed to: disable its aluminum sweat furnace which subjected it to Title V permitting requirements; apply for and obtain required Department-issued permits or exemptions from permitting prior to constructing, modifying, or placing into operation sources of air contaminants; submit periodic reports in accordance with the schedule established by its Permit; and pay a civil penalty in the amount of fifteen thousand dollars **(\$15,000.00)**. The penalty has been paid.

97) Order Type and Number: Consent Order 04-048-A
Order Date: August 4, 2004
Respondent: **Webster Environmental, Inc.**
Facility: Webster Environmental, Inc.
Location/Mailing Address: 146 Ruffin School Rd
Ruffin, NC 27326

County: Florence
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control
Regulation 61-86.1, Standards of Performance for Asbestos Projects

Summary: Webster Environmental, Inc. (Respondent) is an asbestos abatement contractor (Asbestos Abatement Contractor License No. ASB-290). The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to prevent contamination of non-abated surfaces with polyethylene sheeting; failure to have running water controllable at the tap for the shower in the decontamination unit; and failure to ensure that daily air monitoring was performed during removal of regulated asbestos-containing material (RACM).

Action: The Respondent has agreed to: use polyethylene sheeting to isolate contaminated from uncontaminated areas during RACM removal activities; construct a decontamination enclosure system with a shower room with hot and cold or warm running water controllable at the tap; ensure that daily air monitoring is performed during RACM removal activities; and pay a civil penalty in the amount of three thousand six hundred dollars (**\$3,600.00**). The penalty has been paid.

98) Order Type and Number: Consent Order 04-049-A
Order Date: August 4, 2004
Respondent: **Stingray Boat Company**
Facility: Stingray Boat Company
Location/Mailing Address: PO Box 669
Hartsville, SC 29551
County: Darlington County
Previous Orders: None
Permit/ID Number: TV-0820-0040
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.70, Title V Operating Permit Program, and S.C. Code
Ann. § 48-1-110(d).

Summary: Stingray Boat Company (Respondent), located in Hartsville, South Carolina, manufactures fiberglass boats. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to submit an accurate Title V Annual Compliance Certification (TVACC) for annual reporting periods ending February 5, 2002, and February 5, 2003; and failure to limit the hazardous air pollutant (HAP) content of its tooling resin to 39% by weight and its tooling gelcoat to 40% by weight as established pursuant to LAER and Case-by-Case MACT determinations.

Action: The Respondent has agreed to comply with volatile organic compound (VOC) and HAP limits for tooling resins and tooling gelcoats established pursuant to LAER and MACT determinations and as contained in its Title V permit. In addition the Respondent has agreed to ensure that future TVACC's accurately report all deviations that occur during each reporting period; submit revised TVACC's for the reporting periods ending February 5, 2002, and February 5, 2003; and pay a civil penalty in the amount of eight thousand dollars **(\$8,000.00)**. The penalty has been paid.

99) Order Type and Number: Consent Order 04-050-A
Order Date: August 12, 2004
Respondent: **Gaston & Gaston**
Facility: Gaston & Gaston
Location/Mailing Address: 405 East 1st Ave
Easley, SC 29640
County: Pickens County
Previous Orders: None
Permit/ID Number: None
Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.2, *Prohibition of Open Burning*.

Summary: Gaston & Gaston (Respondent) is an accounting firm that owns property on Thomas Mill Road in Dacusville, South Carolina. The Respondent violated South Carolina Air Pollution Control Regulations by burning a home that contained transite siding, roofing shingles, and wood containing lead-based paint. Burning of these materials is prohibited by the Regulation.

Action: The Respondent has agreed immediately and henceforth to cease open burning except as in compliance with South Carolina Air Pollution Control Open Burning Regulations. In addition, the Respondent has agreed to properly dispose of transite siding in the burn pile in accordance with South Carolina Air Pollution Control Regulation 61-86.1, *Standards of Performance for Asbestos Projects*, no later than thirty (30) days after the execution date of this Order and provide the Department with written confirmation of this disposal no later than 45 days of the execution date of this Order, and to pay a civil penalty in the amount of one thousand five hundred dollars **(\$1,500.00)**. The penalty has been paid.

100) Order Type and Number: Consent Order 04-051-A
Order Date: August 12, 2004
Respondent: **Eagle Excavating, Inc.**
Facility: Eagle Excavating, Inc.
Location/Mailing Address: 230 Wildfire Rd
Lexington, SC 29072
County: Lexington
Previous Orders: None

Permit/ID Number: None
Violations Cited: U.S. EPA 40 CFR 61.145(a); U.S. EPA 40 CFR 61.145(b)(3)(i) and South Carolina Air Pollution Control Regulation 61-86.1, Section XIII.B.1.a.; South Carolina Air Pollution Control Regulation 61-86.1, Section IV.B.2.; South Carolina Air Pollution Control Regulation 61-86.1, Section XIII.B.1.a.; and South Carolina Air Pollution Control Regulation 61-86.1, Section IV.B.5.

Summary: Eagle Excavating, Inc. (Respondent) is a demolition contractor. The Respondent violated State and Federal Asbestos Regulations as follows: failure to thoroughly inspect for the presence of asbestos prior to the commencement of demolition of a building; failure to ensure that a licensed asbestos building inspector conducted an asbestos survey to identify the presence, location, and estimated quantity of asbestos-containing material prior to beginning demolition of the building; failure to ensure that the Department was provided with written notice of intent to demolish the building at least 10 working days prior to the demolition; failure to ensure that all applicable fees were paid prior to demolishing the building; and failure to ensure that an asbestos project demolition license was obtained prior to demolishing the building.

Action: The Respondent has agreed to: ensure that a licensed asbestos building inspector performs an asbestos survey prior to beginning demolition of any regulated building or structure; submit written notification to the Department at least 10 working days prior to beginning demolition of any regulated building or structure; obtain an asbestos demolition project license prior to beginning demolition of any regulated building or structure; include an asbestos survey with each notification of demolition; include project fees in the correct amount with each notification of demolition; and pay a civil penalty in the amount of two thousand eight hundred dollars **(\$2,800.00)** payable in five equal payments of five hundred sixty dollars **(\$560.00)** each.

101) Order Type and Number: Consent Order 04-052-A
Order Date: August 12, 2004
Respondent: **General Electric Gas Turbines**
Facility: General Electric Gas Turbines
Location/Mailing Address: PO Box 648
Greenville, SC 29602
County: Greenville County
Previous Orders: None
Permit/ID Number: TV-1200-0094
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, and U.S. Environmental Protection Agency (“EPA”) Regulations at 40 CFR 60.7(a)(1) and (a)(3).

Summary: General Electric Gas Turbines (Respondent) located in Greenville, South Carolina, manufactures gas turbines and associated components for electrical power generation. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to apply for and obtain required Department-issued permits prior to installing and operating sources of air contaminants. The Respondent violated U.S. EPA Regulations at 40 CFR 60.7, Subpart A, General Provisions, as follows: failure to submit both notification of commencement of construction and notification of start-up of operation of equipment subject to U.S. EPA Regulation 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

Action: The Respondent has applied for and obtained required Department-issued permits and submitted the necessary notifications. The Respondent has agreed henceforth to apply for and obtain required Department-issued permits prior to installing, operating, or modifying sources of air contaminants, and to pay a civil penalty in the amount of nine thousand dollars (\$9,000.00). The penalty has been paid.

102) Order Type and Number: Consent Order 04-053-A
Order Date: August 12, 2004
Respondent: **Capsugel**
Facility: Capsugel
Location/Mailing Address: 535 N. Emerald Rd
Greenwood, SC 29646
County: Greenwood
Previous Orders: None
Permit/ID Number: 1240-0063
Violations Cited: US EPA Regulation at 40 CFR 60.7(a)(1) and (3) Subpart A, Notification and Record Keeping, and South Carolina Air Pollution Control Regulation 61-62.60, Subpart A, South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, and S.C. Code Ann. §48-1-110(d).

Summary: Capsugel (Respondent), located in Greenwood, South Carolina, manufactures, prints, and fills gelatin capsules. The Respondent has violated the Pollution Control Act and State and Federal Air Pollution Control Regulations as follows: installed and operated a 76,300-gallon fuel oil storage tank, a 300-gallon fuel oil storage tank and fire protection pump system, six capsule printing machines, and two dietary-supplement production lines prior to obtaining required Department-issued construction permits or exemptions and prior to requesting operating permits. The Respondent also failed to submit required notifications associated with the 76,300-gallon fuel oil storage tank and failed to maintain records of sulfur dioxide emissions from the facility.

Action: The Respondent has agreed to: obtain required Department-issued permits or exemptions prior to installing, operating, or modifying sources of air contaminants; maintain emissions records as required by its Permit and make them available to Department personnel upon request; and, pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**). The penalty has been paid.

103) Order Type and Number: Consent Order 04-055-A
Order Date: August 27, 2004
Respondent: **Palmetto Baptist Medical Center**
Facility: Palmetto Baptist Medical Center
Location/Mailing Address: 1501 Sumter St
Columbia, SC 29202
County: Richland
Previous Orders: None
Permit/ID Number: 1900-0044
Violations Cited: U.S. EPA Regulations 40 CFR 60.48c and 60.7(a)(1) and South Carolina Air Pollution Control Regulation 61-62.60, Subpart Dc; U.S. EPA Regulations 40 CFR 60.48c and 60.7(a)(3) and South Carolina Air Pollution Control Regulation 61-62.60, Subpart Dc; and South Carolina Air Pollution Control Regulation 61-62.1, Section II, *Permit Requirements*.

Summary: Palmetto Baptist Medical Center (Respondent) is a hospital and operates several boilers that provide steam for heating and cooling. The Respondent violated Federal New Source Performance Standards and South Carolina Air Pollution Control Regulations as follows: failure to submit a notification of the date construction was commenced for two new boilers; failure to submit a notification of the actual date of initial startup for the two new boilers; and failure to obtain required permits from the Department prior to installing and operating the two new boilers.

Action: Respondent has agreed to: henceforth apply for and obtain appropriate permits from the Department prior to constructing, altering, or adding to any sources of air contaminants; and pay a civil penalty in the amount of six thousand four hundred dollars (**\$6,400.00**). The penalty has been paid.

104) Order Type and Number: Consent Order 04-056-A
Order Date: August 24, 2004
Respondent: **National Cement Company**
Facility: National Cement Company
Location/Mailing Address: 1020 Old Stage Rd
Simpsonville, SC 29681
County: Greenville County
Previous Orders: 02-092-A (\$6,500)
Permit/ID Number: 1200-0183

Violations Cited: South Carolina Air Pollution Control
Regulation 61-62.70, Title V Operating Permit Program.

Summary: National Cement Company (Respondent), located in Simpsonville, South Carolina, owns and operates a cement distribution facility. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to submit an application for a Title V Operating Permit within 12 months of becoming subject to the Regulation. The facility became subject to Title V on the effective date of July 26, 1995. The Title V application was due no later than July 26, 1996.

Action: The Respondent has agreed to submit an application for a Title V Operating Permit within 45 days of the execution date of the Order, and pay a civil penalty in the amount of fifteen thousand dollars **(\$15,000.00)**.

105) Order Type and Number: Consent Order 04-057-A
Order Date: August 27, 2004
Respondent: **Decanter Diversified Machine**
Facility: Decanter Diversified Machine
Location/Mailing Address: 3622 Bristol Hwy
Johnson City, TN 37601
County: Spartanburg
Previous Orders: None
Permit/ID Number: 2060-0404
Violations Cited: South Carolina Air Pollution Control Regulation
61-62.1, Section II, Permit Requirements

Summary: Decanter Diversified Machine (Respondent), located in Roebuck, South Carolina, machines tube and bar steel. The Respondent has violated South Carolina Air Pollution Control Regulations, as follows: failure to obtain a construction permit or exemption from permitting prior to installing sources of air contaminants, and failure to request an operating permit prior to operating sources of air contaminants.

Action: Respondent has agreed to: obtain required Department-issued permits prior to installing, operating, or altering sources of air emissions, and pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)**.

106) Order Type and Number: Consent Order 04-058-A
Order Date: August 31, 2004
Respondent: **MeadWestvaco SC, LLC**
Facility: MeadWestvaco SC, LLC
Location/Mailing Address: PO Box 118005
Charleston, SC 29423
County: Charleston County
Previous Orders: None

Permit/ID Number: 0560-0164
Violations Cited: S.C. Code Ann. § 48-1-110(d).

Summary: MeadWestvaco SC, LLC (Respondent), located in Charleston, South Carolina, manufactures lignin and tall-oil-based products. The Respondent violated a requirement of its Title V Operating Permit as follows: failure to conduct a semi-annual source test for PM and PM₁₀ emissions from the Poly plant spray dryer.

Action: The Department has agreed to allow the Respondent not to conduct the source test that was due no later than July 31, 2004. In addition, the Department has agreed to allow the Respondent not to conduct a source test for VOC and TRS emissions from the Crude plant.

MULTI-MEDIA ACTIONS

107) Order Type and Number: Consent Order 04-145-W, DW
Order Date: July 27, 2004
Respondent: **Town of Estill**
Facility: Town of Estill Wastewater Treatment Facility (WWTF) and Public Water System (PWS)
Location/Mailing Address: P.O. Box 415
Estill, S.C. 29918
County: Hampton
Previous Orders: 02-226-W (\$7,000)
Permit/ID Number: ND0069701
Violations Cited: S.C. Code Ann. §§ 44-55-30, 44-55-40(D), 44-55-40(M), 48-1-90(a), 48-1-110(d), and S.C. Code Ann. Regs. 61-9.122.26(c)(1), 61-9.505.41(a), 61-9.505.41(a)(1), 61-58.7(B)(1), 61-58.7(D)(2), 61-58.7(E)(1), 61-58.8(C)(1)

Summary: The Town of Estill (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF), The Home of Thomas Point Subdivision (Site), and a public water system (PWS). The Respondent violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits for flow in conduit (flow) and fecal coliform bacteria; failed to provide an operator of appropriate grade; failed to comply with the compliance schedule of Consent Order 02-226-W; discharged sediment into the environment; initiated land-disturbing activities without an approved storm water management and sediment control plan and a permit to proceed. The Respondent violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: failed to properly operate and maintain the PWS; failed to retain an

operator of appropriate grade for the groundwater treatment portion of the PWS; failed to retain an operator of appropriate grade for the operation and maintenance of the distribution portion of the PWS; failed to design and construct a PWS to provide safe and potable water free from potential hazards; and failed to notify the Department when the pressure in the distribution system dropped to 10 pounds per square inch or less.

Action: The Respondent has agreed to: pay a civil penalty in the amount of fifty-one thousand dollars **(\$51,000.00)** to be paid in quarterly installments; comply with all applicable State and Federal regulations; **(Wastewater)** submit quarterly reports of all corrective actions taken to correct deficiencies at the WWTF and the Site; properly report all sanitary sewer overflows (SSOs); develop and implement a capacity, Management, Operations, and Maintenance (cMOM) plan; submit a corrective action plan (CAP) with a schedule addressing primary deficiencies within the wastewater collection system (WWCS); submit semi-annual progress reports detailing corrective actions addressing deficiencies within the WWCS; complete all upgrades proposed under Consent Order 02-226-W; submit an administratively complete viability study; install and properly maintain all sediment and erosion control devices necessary to prevent run-off from the Site; and submit an administratively complete application for coverage under the National Pollutant Discharge Elimination System (NPDES) General Storm Water Discharge Permit; **(Drinking Water)** submit a summary of corrective actions taken within the PWS; submit plans, specifications, and an administratively complete application for a permit to construct addressing the relocation of all drinking water lines that pass through sewer manholes within the PWS; submit a CAP with a schedule addressing all deficiencies listed in the June 23, 2003 Sanitary Survey; and develop and submit to the Department for approval, a business plan to address the current and future needs of the PWS.

108) <u>Order Type and Number:</u>	Consent Order 04-158-W, DW
<u>Order Date:</u>	August 27, 2004
<u>Respondent:</u>	Actus Lend Lease LLC
<u>Facility:</u>	Wake Village Military Housing Community
<u>Location/Mailing Address:</u>	1510 Laurel Bay Boulevard Beaufort, S.C. 29906
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	S.C. Code Ann. §§ 44-55-40(C) and 48-1-110(a)(1), S.C. Code Ann. Regs. 61-58.1.K(1) and (3) and 61-9.122.21(a)(3)

Summary: Actus Lend Lease LLC (Respondent) is responsible for the construction and operation of a drinking water distribution system (DWDS) and a wastewater collection system (WWCS). The Respondent has violated the State Safe Drinking Water Act, State Primary Drinking Water Regulations, Pollution

Control Act and the Water Pollution Control Permit Regulations as follows:
placed into operation a DWDS and a WWCS without the appropriate approvals.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; and pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**). The civil penalty has been paid.